MASTER
NEGATIVE
NO. 94-82304-7

COPYRIGHT STATEMENT

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials including foreign works under certain conditions. In addition, the United States extends protection to foreign works by means of various international conventions, bilateral agreements, and proclamations.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

The Columbia University Libraries reserve the right to refuse to accept a copying order if, in its judgement, fulfillment of the order would involve violation of the copyright law.

Author:
U.S. Federal Power Commission
Title:
Rules of practice and regulations, with...
Place:
Washington, D.C.
Date:
1938

94-82304-7
MASTER NEGATIVE #

COLUMBIA UNIVERSITY LIBRARIES
PRESERVATION DIVISION

BIBLIOGRAPHIC MICROFORM TARGET

ORIGINAL MATERIAL AS FILMED - EXISTING BIBLIOGRAPHIC RECORD

BUSINESS
550
Un385

U. S. *Federal power commission.*
... Rules of practice and regulations, with approved forms. Effective June 1, 1938. Washington, U. S. Govt. print. off., 1938.
xii, 100 p. incl. forms. 23cm.
At head of title: Federal power commission.

1. U. S. Federal power commission. 2. Water-power—U. S. 3. Water—Laws and legislation—U. S. I. Title.
38—26494

Library of Congress HD1694.A47 1938
Copy 2. [38f5] 621.20973

RESTRICTIONS ON USE:

TECHNICAL MICROFORM DATA

FILM SIZE: 35mm REDUCTION RATIO: 12x IMAGE PLACEMENT: IA (IIA) IB IIB

DATE FILMED: 12-8-94 INITIALS: RB

TRACKING # : MSH 03655

FILMED BY PRESERVATION RESOURCES, BETHLEHEM, PA.

2.0 mm ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz1234567890

1.5 mm ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz1234567890

PM-MGP 13″x18″
METRIC GENERAL PURPOSE TARGET
PHOTOGRAPHIC

200 mm

150 mm

100 mm

1.0

1.1

1.25

1.4

1.6

1.8

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz1234567890

1.0 mm

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz1234567890

1.5 mm

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

2.0 mm

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

2.5 mm

A5

A4

PRECISION℠ RESOLUTION TARGETS

Century

A&P

1303 Geneva Avenue
St. Paul, MN 55119

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

4.5 mm

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz1234567890

3.5 mm

NOV 20 1945
DOCUMENTS DIVISION

FEDERAL POWER COMMISSION

RULES OF PRACTICE AND REGULATIONS

With Approved Forms

EFFECTIVE JUNE 1, 1938

Columbia University
in the City of New York

THE LIBRARIES

SCHOOL OF BUSINESS

School of Business Library
Columbia University

FEDERAL POWER COMMISSION

RULES OF PRACTICE AND REGULATIONS

With Approved Forms

Effective June 1, 1938

COLUMBIA UNIVERSITY LIBRARY

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1938

For sale by the Superintendent of Documents, Washington, D. C. - - - - - - Price, 15 cents

Business
D550
Un385

4/29/46 U.C.

COMMISSIONERS

CLYDE L. SEAVEY, *Acting Chairman*
CLAUDE L. DRAPER
BASIL MANLY
JOHN W. SCOTT

SECRETARY

LEON M. FUQUAY

APR 30 1946 PCR

UNITED STATES OF AMERICA

FEDERAL POWER COMMISSION

APRIL 19, 1938.

ORDER NO. 50

Prescribing rules of practice and regulations, with approved forms, effective June 1, 1938

The Commission, pursuant to authority vested in it by the Federal Power Act, particularly section 309 thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, hereby adopts, promulgates, and prescribes the accompanying "Rules of Practice and Regulations, with Approved Forms, Effective June 1, 1938," to supersede as of June 1, 1938: (a) "Rules of Practice and Regulations, with Approved Forms, Revised to January 1, 1937," as prescribed by Order No. 44, adopted December 31, 1936, and as amended by Order No. 47, adopted December 15, 1937; (b) Order No. 31, adopted November 7, 1932 (requiring the filing of rate schedules by licensees); and (c) Regulation 21 adopted November 12, 1932;

And *orders* that—

(A) No power, right, obligation, or duty arising or existing under or by virtue of rules and regulations of the Commission in effect prior to June 1, 1938, shall be affected hereby;

(B) Orders Nos. 31, 44, 47 and Regulation 21 above referred to are hereby repealed as of June 1, 1938.

BY THE COMMISSION.

LEON M. FUQUAY, *Secretary.*

FOREWORD

The following "Rules of Practice and Regulations, With Approved Forms, Effective June 1, 1938," promulgated by Order No. 50, adopted April 19, 1938, supersede the "Rules of Practice and Regulations, With Approved Forms, Revised to January 1, 1937," promulgated by Order No. 44, adopted December 31, 1936, and amended by Order No. 47, adopted December 15, 1937, and supersede Order No. 31, adopted November 7, 1932, and Regulation 21, adopted November 12, 1932.

The part and section numbers are in conformity with the regulations prescribed by the Codification Board. The same part and section numbers will appear in the proposed United States Code of Federal Regulations. Part and section numbers in this edition have been so assigned to allow for future additions.

The number assigned to the individual sections include the number of the part in which the section is placed followed by a decimal point, and a serial number following the decimal point assigned to the section within the part. Thus, the section number given to the 102d section of Part I is Sec. 1.102.

FEDERAL POWER COMMISSION
RULES OF PRACTICE AND REGULATIONS
Table of Contents
PART 1
ADMINISTRATION

Sec. No.	Item	Page
	Address of the Commission, office hours:	
1. 1	Address; office hours	1
	Public sessions and hearings:	
1. 2	Notice	1
	Parties; appearances:	
1. 5	Classes	1
1. 6	Appearances	1
1. 7	Former employees barred for one year	2
1. 20	Applicant defined	2
1. 21	Complainants	2
1. 22	Petitioners	2
1. 23	Defendants	2
1. 24	Interveners	2
1. 25	Protestants	2
1. 26	Respondents	2
	Petitions:	
1. 30	Contents	2
1. 31	Intervening petitions	3
	Complaints:	
1. 40	Complaints; informal and formal	3
1. 41	Informal complaints	3
1. 42	Substance of informal complaints	3
1. 43	Formal complaints; form and style	3
1. 44	Joinder of complaints or complainants	4
1. 45	Substance of formal complaints	4
1. 46	Subscription and verification	4
1. 47	Supplemental complaints	4
	Answers:	
1. 50	Answers to formal complaints	4
1. 51	Answers to petitions	5
1. 52	Defendants seeking affirmative relief	5
1. 53	Replies to defendants seeking affirmative relief	5
1. 54	Satisfaction of complaints	5
	Protests:	
1. 60	Contents	5
	Amendments to pleadings:	
1. 70	Allowance or refusal discretionary	5
1. 71	Subscription and verification	5
1. 72	Directed amendments	6
	Specifications as to applications, complaints, answers, petitions, briefs, etc.:	
1. 80	Typewritten or printed only	6
1. 81	Size and legibility	6
1. 82	Sizes of printed paper	6
1. 83	Signature	6
1. 84	Improper matter	6
1. 85	Informal applications	6

Sec. No.	Item	Page
	Service, number of copies:	
1. 90	By the commission	6
1. 91	Service by parties	6
1. 92	Service upon attorneys	7
1. 93	Number of copies of pleadings	7
1. 94	Number of copies of reports, etc	7
	Continuances, extensions of time:	
1. 101	Contents; time of filing	7
1. 102	Discretion in granting or denying	7
	Documentary evidence:	
1. 110	Designation	7
1. 111	Commission's files	7
1. 112	Records in other proceedings	8
1. 112A	Copies supplied at expense of one offering them	8
1. 112B	Portion specified with particularity	8
1. 112C	Parties may stipulate portions of record to be incorporated	8
1. 112D	Presiding officer directs incorporation	8
1. 113	Objections	8
1. 114	Copies to opposing counsel	8
1. 115	Size; form	8
1. 116	Copies for the commission	8
	Stipulations:	
1. 120	How evidenced	8
1. 121	Form and style; service	8
	Witnesses and subpoenas:	
1. 130	Subpoenas	8
1. 131	Fees of witnesses	9
1. 132	Subpoenas; service; return	9
	Depositions:	
1. 140	When permissible	9
1. 141	Officer before whom taken	9
1. 142	Notice of application; service; order for taking	10
1. 143	Oath; reduction to writing	10
1. 144	Fees of officers and witnesses	10
	Hearings:	
1. 150	How ordered	11
1. 151	Notice of hearing	11
1. 152	Appearances	11
1. 153	Order of procedure	11
1. 154	Calling for further evidence	11
1. 155	Closing of record	11
	Transcript of testimony:	
1. 160	Copies not furnished by the commission	12
	Briefs and oral argument:	
1. 170	Oral argument	12
1. 171	Forms and style of briefs	12
1. 172	Arrangement of contents	12
1. 173	Filing; service; number of copies	12
1. 174	Reply briefs	13
	Application for further hearing, rehearing, reargument, reconsideration or modification of an order:	
1. 180	Petition; filing; service	13
1. 181	Statement as to new evidence	13

Sec. No.	Item	Page
1. 182	Specification of errors	13
1. 183	Time of filing	13
1. 184	Form and style; service	13
	Computation of time:	
1. 190	When Sunday and holiday not included	13
	Access to Commission's records:	
1. 200	Formal dockets	13
1. 201	Applications for permits and licenses	14
1. 202	Reports and statements	14
1. 203	Hours for inspection	14
	Copies of records:	
1. 210	Charge	14
	Notice of compliance:	
1. 220	Filing	14

PART 4

LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

	Determination of cost of projects constructed under license:	
4. 1	Initial cost statement	15
4. 2	Substance	15
4. 3	Report on project cost	15
4. 4	Service of report	15
4. 5	Time for filing protest	15
4. 6	Burden of proof	16
4. 7	Finding and final statement	16
	Determination of fair value of constructed projects, under section 23 (a) of the act:	
4. 10	Valuation data	16
4. 11	Reports	16
4. 12	Service of report	16
4. 13	Time for filing protest	17
4. 14	Hearing upon report	17
	Determination of cost of constructed projects not subject to section 23 (a) of the act:	
4. 20	Initial statement	17
4. 21	Reports	17
4. 22	Service of reports	18
4. 23	Time for filing protest	18
4. 24	Determination of cost	18
4. 25	Finding and final statement	18
	Application for license—general provisions:	
4. 30	Who may file	18
4. 31	Manner of filing	18
4. 32	Hearing on application	19
4. 33	Issuance and acceptance	19
	Application for license for proposed major project or minor part thereof:	
4. 40	Contents	19
4. 41	Required exhibits	20
4. 42	Specifications for drawings	26
	Application for license for constructed major project or minor part thereof:	
4. 50	Contents	27
4. 51	Additional exhibits	28

Sec. No.	Item	Page
	Application for license for minor project:	
4. 60	Contents	28
	Application for license for transmission line only:	
4. 70	Contents	30
4. 71	Required exhibits	30
4. 75	Application for license for electric lines (11,000 volts or less) in National Forests	31
	Application for preliminary permit and amendments thereof:	
4. 80	Who may file	32
4. 81	Manner of filing	32
4. 82	Contents of application	32
4. 83	Hearings on applications	35
4. 84	Amendments	35
4. 85	Issuance	35
4. 86	Construction work under permit	36

PART 5

APPLICATION FOR AMENDMENT OF LICENSE

5. 1	Amendment of license	36
5. 2	Amendment of plans	36
5. 3	Extension of time	36

PART 6

SURRENDER OR TERMINATION OF LEASE

6. 1	Application for surrender	36
6. 2	Surrender of license	37
6. 3	Termination of license	37
6. 4	Termination by implied surrender	37
6. 5	Annual charges	37

PART 9

TRANSFER OF LICENSE OR LEASE OF PROJECT PROPERTY

	Application for transfer of license:	
9. 1	Filing	37
9. 2	Contents of application	38
9. 3	Transfer	38
	Application for lease of project property:	
9. 10	Filing	38

PART 11

ANNUAL CHARGES

11. 20	Cost of administration	38
11. 21	Use of Government lands, etc	39
11. 22	Government dams, structures, tribal lands	39
11. 23	Exemption of minor projects, etc	40
11. 24	Exemption of states and municipalities	40
11. 25	Effective date	41
11. 26	Adjustment of annual charges	41
11. 27	Payment of charges	41

PART 16

APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON A SPECIFIED DATE

Sec. No.	Item	Page
16. 1	Contents	41
16. 2	Required exhibits	41
16. 3	Additional information	41

PART 20

AUTHORIZATION OF THE ISSUANCE OF SECURITIES BY LICENSEES AND COMPANIES SUBJECT TO SECTIONS 19 AND 20 OF THE FEDERAL POWER ACT

20. 1	Authorization by Commission	42

PART 24

DECLARATION OF INTENTION

24. 1	Filing	42

PART 25

APPLICATION FOR VACATION OF WITHDRAWA LAND FOR DETERMINATION PERMITTING RESTORATION TO ENTRY

25. 1	Contents of application	43
25. 2	Hearings	43

PART 32

INTERCONNECTION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRY

	Application for an order directing the establishment of physical connection of facilities:	
32. 1	Contents of application	45
32. 2	Required exhibits	45
32. 3	Other information	45
32. 4	Form and style; number of copies	45
	Application for emergency connections of facilities:	
32. 20	Definition of emergency	45
32. 21	Reports of temporary connections	46
32. 22	Application for permanent connection for emergency use	46
32. 23	Reports of emergency use of permanent connections	46
32. 24	Form and style; number of copies	47
	Application for authorization to transmit electric energy to a foreign country:	
32. 30	Who shall apply	47
32. 31	Time of filing	47
32. 32	Contents of application	47
32. 33	Required exhibits	48
32. 34	Other information; exceptions	48
32. 35	Transferability	48
32. 36	Authorization not exclusive	48
32. 37	Form and style; number of copies	49
32. 38	Filing rate schedules and annual reports	49

PART 33

APPLICATION FOR SALE, LEASE, OR OTHER DISPOSITION, MERGER, OR CONSOLIDATION OF FACILITIES, OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY

Sec. No.	Item	Page
33. 1	Applicability	49
33. 2	Contents of application	49
33. 3	Required exhibits	51
33. 4	Additional information	52
33. 5	Form and style	52
33. 6	Number of copies	52
33. 7	Verification	52
33. 8	Reports	52
33. 9	Public notice	53
33. 10	Commission action	53

PART 34

APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

34. 1	Applicability	53
34. 2	Contents of application	53
34. 3	Required exhibits	55
34. 4	Additional information	57
34. 5	Form and style	57
34. 6	Number of copies	57
34. 7	Verification	57
34. 8	Reports	57
34. 9	Commission action	57
34. 10	Publicity	57
	Certificate of notification:	
34. 20	Time of filing	57
34. 21	Additional information	58
34. 22	Form and style	58
34. 23	Number of copies	58
34. 24	Verification	58

PART 35

FILING OF RATE SCHEDULES

35. 1	Definition	58
35. 2	Effective rates and charges	58
35. 3	Filing of rate schedules, rates, charges, etc	58
35. 3A	Obligation to file	58
35. 3B	Newly established rates, charges, etc	59
35. 3C	Changes in filed rates, charges, etc	59
35. 3D	Changes in rate schedules to be indicated	59
35. 3E	Rates, charges, etc., made effective prior to date of filing upon order of the Commission	59
35. 4	Identification and numbering of rate schedules	59
35. 5	Notice of cancellation	60
35. 6	Notice of succession	60
35. 7	Rates established by order of the Commission	60
35. 8	Posting for public inspection	60

Sec. No.	Item	Page
35. 9	Protests and complaints against rate changes	61
35. 10	Number of copies of rate schedules to be supplied	61
35. 11	Form and style of rate schedules	61
35. 12	Filing date	61
	Licensee to file all contracts, agreements, rate schedules, etc., relating to sale at wholesale of electric energy or mechanical horsepower:	
35. 20	Filing	61

PART 39

COOPERATIVE PROCEDURE WITH STATE COMMISSIONS

39. 1	Notice of institution of proceeding	62
39. 2	Procedure governing joint conference	63
39. 3	Procedure governing matters referred to a board	63
39. 4	Procedure governing joint hearings	64
39. 5	Special procedure may be prescribed in each case	64

PART 41

ACCOUNTS, RECORDS, AND MEMORANDA

	Adjustments of accounts and reports:	
41. 1	Notice of deficiencies	65
41. 2	Response to notification	65
41. 3	Facts and argument	65
41. 4	Form and style	65
41. 5	Verification	66
41. 6	Determination	66
41. 7	Assignment for oral hearing	66
41. 8	Burden of proof	66

PART 45

APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS

45. 1	Who shall file	66
45. 2	Positions requiring authorization	66
45. 3	Time of filing application	67
45. 4	Supplemental applications	67
45. 5	Supplemental information	68
45. 6	Termination of authorization	68
45. 7	Form of application, etc.; number of copies	69
45. 8	Contents of application	69

PART 200

APPROVED FORMS

200. 1	Certificate of service	75
200. 2	Application for license	75
200. 3	Certificate of organization	78
200. 4	Certificate of exhibits	78
200. 5	Application for license for transmission lines only	78
200. 10	Application for preliminary permit	79
200. 20	Application for approval of transfer of license	81

Sec. No.	Item	Page
200. 30	Application for amendment of license	84
200. 40	Balance sheet	86
200. 41	Classification of utility plant	88
200. 42	Comparative income statement	89
200. 43	Report of securities issued	91
200. 50	Certificate of notification	91
200. 51	Notice of succession in ownership or operation	92
200. 52	Certificate of concurrence	92
200. 53	Notice of cancellation	93
200. 60	Verification of application	93
	Index	95

FEDERAL POWER COMMISSION

RULES OF PRACTICE AND REGULATIONS

PART 1

ADMINISTRATION

Address of the Commission; Office hours.

SEC. 1.1 All communications to the Commission must be addressed to Washington, D. C., unless otherwise specifically directed. Pleadings and other papers required to be filed with the Commission shall be filed in the office of the Secretary of the Commission at Washington, D. C., within the time limit, if any, for such filing.

The office is open from 9 a. m. until 4:30 p. m. of each business day except Saturday, upon which day it is open from 9 a. m. to 1 p. m., or as provided by statute or Executive order.

Public sessions and hearings.

SEC. 1.2 *Notice.*—Public sessions of the Commission for hearing evidence or oral argument or for public conferences and hearings before any Commissioner, examiner, or other representative of the Commission, will be held as set upon notice by the Commission, subject to change upon reasonable notice.

Parties; appearances.

SEC. 1.5 *Classes.*—The parties to proceedings before the Commission are applicants, complainants, petitioners, defendants, interveners, and respondents, according to the nature of the proceedings and their relationship thereto. Admission of a party as intervener or protestant shall not be construed as recognition by the Commission that such party might be aggrieved by any order of the Commission in such proceeding.

SEC. 1.6 *Appearances.*—Any party may appear and be heard in person or by an attorney at law or attorney in fact and a corporation or association may be represented by a bona fide officer thereof. All persons appearing in such proceedings must conform to the standards of ethical conduct required of practitioners before the courts of the United States and, where applicable, to the requirements of section 12 (*i*) of the Public Utility Holding Company Act

of 1935. Failure to conform to these standards will be ground for declining to permit appearance in any proceeding before the Commission.

SEC. 1.7 *Former employees barred for one year.*—No person serving or having served as a Commissioner, officer, expert, examiner, attorney, accountant, engineer, or other employee in the Federal Power Commission shall be permitted to practice, appear or act as counsel, attorney, representative, or agent in any proceeding before the Commission, or before any regional office, division or agency thereof, or in any manner or by any means aid or assist in the prosecution of any such matter or proceeding, within one year next after the separation of the said person from the service of the Commission; provided, however, this rule shall not be construed to bar any such person from appearing before the Commission in behalf of any other branch of the Federal Government or in behalf of any State, municipality, or other public agency.

SEC. 1.20 *Applicants defined.*—In proceedings involving applications, by persons subject to the act, for permission or authorization which the Commission may give under the authority of the act, the parties on whose behalf the applications are made are styled applicants.

SEC. 1.21 *Complainants.*—Parties who complain to the Commission of anything done or omitted to be done in violation of the provisions of the act by any person subject to the act, are styled complainants. (See Sec. 1.40 to Sec. 1.47.)

SEC. 1.22 *Petitioners.*—Parties seeking relief, not otherwise designated herein, are styled petitioners. (See Sec. 1.30 to Sec. 1.31.)

SEC. 1.23 *Defendants.*—Persons subject to the act, against whom any complaint is filed, are styled defendants. (See Sec. 1.40 to Sec. 1.47.)

SEC. 1.24 *Interveners.*—Parties permitted to intervene as hereinafter provided, are styled interveners. (See Sec. 1.30 to Sec. 1.31.)

SEC. 1.25 *Protestants.*—A protestant is anyone objecting on the ground of private or public interest to the approval of an application or petition which the Commission may have under consideration. (See Sec. 1.60.) Protestants desiring to become parties to any proceeding before the Commission may file a petition for intervention.

SEC. 1.26 *Respondents.*—Persons subject to the act, to whom an order or notice is issued by the Commission instituting a proceeding or investigation on its own initiative, are styled respondents.

Petitions.

SEC. 1.30 *Contents.*—Petitions for relief under the act should be under oath and state clearly and concisely the interest of the petitioner in the subject matter of the petition and the relief sought and cite by appropriate reference the section, paragraph, etc., of the act relied upon for relief and must conform to the requirements of Sec. 1.80 to Sec. 1.94.

SEC. 1.31 *Intervening petitions.*—Any interested State, State commission, municipality, or any representative of interested consumers or security holders, or any competitor of a party to any pending proceeding, or any other person whose participation in a pending proceeding may be in the public interest, may petition to intervene in any proceeding pending before the Commission prior to or at the time it is called for hearing, but not thereafter except for good cause shown. Petitions for intervention must set forth the grounds of the proposed intervention; the position and interest of the petitioner in the proceeding; and must conform to the requirements of a formal complaint and must be subscribed and verified in the same manner as a formal complaint. If leave is granted, the petitioner thereby becomes an intervener and a party to the proceeding.

Complaints.

SEC. 1.40 *Complaints; informal and formal.*—Complaints may be informal or formal.

SEC. 1.41 *Informal complaints.*—Informal complaints may be made by letter or other writing, and will be filed as received. Matters informally presented will, if their nature so warrants, be taken up by correspondence or conference with the party or parties complained of in an endeavor to bring about satisfaction of the complaint without formal hearing.

SEC. 1.42 *Substance of informal complaints.*—No form of informal complaint is prescribed, but in substance the letter or other writing should contain the name and address of complainant, the name of the party against whom the complaint is made, and a brief statement of the facts forming the basis of such complaint. While the filing of an informal complaint is without prejudice to complainant's right to file formal complaint, only formal complaints submitted and prosecuted in the manner hereinafter prescribed will entitle any person, natural or artificial, to initiate formal proceedings or to become a party to any proceedings already initiated, and only formal complaints will be admitted in the record of formal proceedings. It is desirable that the informal complaint be accompanied by sufficient copies to enable the Commission to transmit one to each party named, and retain one for its own use, and it may be accompanied by supporting papers.

SEC. 1.43 *Formal complaints; form and style.*—Formal complaints must conform to the requirements of Sec. 1.80 to Sec. 1.94. The

names of all parties, complainant and defendant, must be stated in full without abbreviations, and the address of each complainant with the name and address of his attorney, if any, must appear.

SEC. 1.44 *Joinder of complaints or complainants.*—Two or more grounds of complaint involving the same purposes, subject, or state of facts, may be included in one complaint, but should be separately stated and numbered; and two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants, and involve substantially the same purposes and subject, and a like state of facts.

SEC. 1.45 *Substance of formal complaints.*—Formal complaints should be so drawn as fully and completely to advise the parties defendant and the Commission, wherein the provisions of the act have been or are violated by the acts or omissions complained of, or will be violated by a continuance of such acts or omissions, and should set forth briefly and in plain language the facts claimed to constitute such violations, and the relief sought.

SEC. 1.46 *Subscription and verification.*—Every formal complaint must be personally subscribed (1) by the complainant, and by each complainant if there be more than one, (2) by an officer of the complainant if it be a corporation, or (3) for the complainant by his attorney. In addition, the facts alleged must be verified under oath by a complainant, an officer of complainant, or by the attorney for the complainant. If the subscription and verification, or either thereof, be by anyone other than the complainant or an officer or attorney thereof as aforesaid, the reason it is so made must be stated, and the power of attorney or authority authorizing such affiant to prosecute the complaint or make the verification must be filed with the complaint.

SEC. 1.47 *Supplemental complaints.*—Supplemental complaints may be tendered for filing by the complainant against the defendant in the original complaint, setting forth any causes of action under the act alleged to have accrued in favor of the complainant and against the defendant since the filing of the original complaint, and, upon leave granted, will be filed and served by the Commission as provided for original complaints, and heard, considered, and disposed of therewith in the same proceeding, if practicable.

Answers.

SEC. 1.50 *Answers to formal complaints.*—Answers to formal complaints must be filed with the Commission within 30 days after the day on which the complaint was served. This period may be shortened or extended by the Commission in its discretion. Any defendant failing to file answer within such period will be deemed in default, and issue as to such defendant will be thereby joined. All answers shoud be under oath and so drawn as fully and completely to advise

the parties and the Commission as to the nature of the defense, and should admit or deny, specifically and in detail, each material allegation of the pleading answered and must conform to requirements of Sec. 1.80 to Sec. 1.94.

SEC. 1.51 *Answers to petitions.*—Answers to petitions in intervention or amended complaints, filed and served upon leave granted, need not be separately made unless the defendants so elect, and their answers to the formal complaint will be deemed answers to the petition in intervention or amended complaint. Answers if separately made should be filed and served in the same manner as is provided for answers to the original complaint.

SEC. 1.52 *Defendants seeking affirmative relief.*—Defendants alleging violations of the act by other parties to the proceeding, or seeking relief against them under the act involving substantially the same purposes and subject, or a like state of facts to those presented by complaints or petitions filed against them, may set forth the facts relative thereto in their answer, and the matters therein set forth will be heard, considered and disposed of in the same proceeding with the original complaint or petition.

SEC. 1.53 *Replies to defendants seeking affirmative relief.*—Unless otherwise ordered by the Commission, replies to answers seeking affirmative relief must be filed and served within 20 days after service of the answer. Replies shall be filed and served in the same manner as is provided for answers to formal complaints.

SEC. 1.54 *Satisfaction of complaints.*—If the defendant satisfies a formal complaint either before or after answering, a statement to that effect signed by the opposing parties must be filed setting forth when and how the complaint has been satisfied and requesting dismissal.

Protests.

SEC. 1.60 *Contents.*—Protests to be considered formal must set forth the position and interest of the protestant in the proceeding and must be so drawn as fully and completely to advise the parties and the Commission as to the acts or omissions complained of, and should in other respects conform to the requirements of Sec. 1.40 to Sec. 1.47 and Sec. 1.80 to Sec. 1.94.

Amendments to pleadings.

SEC. 1.70 *Allowance or refusal discretionary.*—Amendments to any pleading will be allowed or refused by the Commission in its discretion.

SEC. 1.71 *Subscription and verification.*—Whenever by these rules a principal pleading is required to be subscribed and verified, an amendment thereto must be similarly subscribed and verified.

633267—45——2

SEC. 1.72 *Directed amendments.*—The Commission, or during a hearing a Commissioner, Examiner, or other representative presiding, may direct a party to state his case by way of amendment, more fully or in more detail.

Specifications as to applications, complaints, answers, petitions, briefs, etc.

SEC. 1.80 *Typewritten or printed only.*—Except where otherwise specifically provided, all papers to be filed under these rules must be typewritten or printed.

SEC. 1.81 *Size and legibility.*—If typewritten, they must, unless otherwise specifically provided, be on paper cut or folded to 8½ inches wide by 11 inches long, with left-hand margin not less than 1½ inches wide. The impression must be on only one side of the paper and must be double-spaced, except that long quotations should be single-spaced and indented. Mimeographed, multigraphed, or planographed copies will be accepted as typewritten. All copies must be clearly legible.

SEC. 1.82 *Sizes of printed paper.*—If printed, they must be not less than 10-point type on unglazed paper cut or folded so as not to exceed 8½ inches wide by 11 inches long, with inside margin not less than 1 inch wide and with double-leaded text and single-leaded citations.

SEC. 1.83 *Signature.*—Applications, declarations of intention, complaints, answers, petitions, statements, protests, and notices must be signed in ink by the party in interest, or by his or its duly authorized attorney, and must show the office and post-office address of the same.

SEC. 1.84 *Improper matter.*—Any paper containing defamatory, scurrilous, or unethical matter will be rejected by the Commission, and the person submitting the same, after hearing, may be debarred from practice before the Commission.

SEC. 1.85 *Informal applications.*—Informalities or other defects in applications with respect to preliminary permits or licenses shall not preclude the Commission from taking any action it may deem warranted in the premises.

Service, number of copies.

SEC. 1.90 *By the Commission.*—Applications, formal complaints, petitions, and upon leave granted, petitions in interventions, supplemental complaints, cross complaints and amended complaints, will be served by the Commission. Such service will be by mail or otherwise, as may be appropriate in each specific case.

SEC. 1.91 *Service by parties.*—Protests, answers, briefs, notices, and all other papers, except depositions, in formal proceedings pending before the Commission shall, when tendered to the Commission for filing, show service thereof upon all parties to the proceeding. Such service shall be made by delivering in person or by mail, properly

addressed with postage prepaid, one copy to each party. (See Sec. 200.1.)

SEC. 1.92 *Service upon attorneys.*—When any party has appeared by attorney, service upon such attorney will be deemed service upon the party.

SEC. 1.93 *Number of copies of pleadings.*—Except where otherwise specifically provided in these rules, all pleadings which are served by the Commission must be accompanied by copies in sufficient number to enable the Commission to transmit one copy to each party to the proceeding and retain five copies for its own use. Where service is made by the parties or service is not required to be made five copies are required for the use of the Commission.

SEC. 1.94 *Number of copies of reports, etc.*—Except where otherwise specifically provided, all reports and other statements required under these rules shall be filed in triplicate.

Continuances, extensions of time.

SEC. 1.101 *Contents; time of filing.*—Applications for continuances or for the extension of time in which to file any pleadings or briefs shall be by petition, in writing, stating the facts on which the application rests, and must be filed with the Commission at least seven days before the date set for hearing, or on or before the time for filing such pleadings or briefs, and must conform to the requirements of Sec. 1.80 to Sec. 1.94.

SEC. 1.102 *Discretion in granting or denying.*—Continuances and extensions of time will be granted or denied at the discretion of the Commission.

Documentary evidence.

SEC. 1.110 *Designation.*—When relevant and material matter offered in evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party offering the same must plainly designate the matter so offered. If other matter is in such volume as would necessarily cumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the presiding Commissioner, examiner, or other representative so directs, a true copy of such matter, in proper form, shall be received as an exhibit, and like copies delivered by the party offering the same to opposing parties or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the book, paper, or document, and to offer in evidence in like manner other portions thereof if found to be material and relevant.

SEC. 1.111 *Commission's files.*—In case any matter contained in a report or other document on file with the Commission is offered in

evidence, such report or other document need not be produced or marked for identification, but in other respects the provisions of the foregoing Sec. 1.110 will apply.

SEC. 1.112 *Records in other proceedings.*—In case any portion of the record in any other proceeding is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless—

A. The party offering the same agrees to supply such copies later at his own expense, if and when required by the Commission; or

B. The portion is specified with particularity in such manner as to be readily identified; or

C. The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference subject to A and B; and

D. The presiding Commissioner, examiner, or other representative directs such incorporation.

SEC. 1.113 *Objections.*—Any documentary evidence offered, whether in the form of exhibit or by reference, shall be subject to appropriate objection.

SEC. 1.114 *Copies to opposing counsel.*—When exhibits of a documentary character are offered in evidence, copies must be furnished to opposing counsel unless the presiding Commissioner, examiner, or other representative otherwise directs.

SEC. 1.115 *Size; form.*—Whenever practicable, all exhibits of a documentary character received in evidence must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten; if typewritten, they must conform to the requirements of Sec. 1.80 to Sec. 1.85.

SEC. 1.116 *Copies for the Commission.*—Unless the presiding Commissioner, examiner, or other representative shall otherwise direct, three copies of each exhibit of a documentary character must be furnished for the use of the Commission, in addition to the copies provided for under Sec. 1.114 hereof.

Stipulations.

SEC. 1.120 *How evidenced.*—A party or parties may, in writing filed with the Commission or presented at the hearing, stipulate as to any facts involved in the proceeding; but such stipulation shall not bind the Commission.

SEC. 1.121 *Form and style; service.*—Stipulations must conform to the requirements of Sec. 1.80 to Sec. 1.94.

Witnesses and subpoenas.

SEC. 1.130 *Subpoenas.*—Subpoenas for the attendance of witnesses or for the production of books, papers, or documents, unless directed

by the Commission upon its own motion, will issue only upon application in writing. Applications to compel witnesses to produce documentary evidence must be verified, and must specify as nearly as may be, the books, papers, or documents desired and the facts to be proved by them.

SEC. 1.131 *Fees of witnesses.*—Witnesses who are summoned are entitled to the same fees as are paid for like services in the courts of the United States, such fees to be paid by the party at whose instance the testimony is taken, and the Commission before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

SEC. 1.132 *Subpoenas; service; return.*—If service of subpoena is made by a United States marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereof, describing the manner in which service is made and return such affidavit on or with the original subpoena. In case of failure to make service, the reasons for the failure shall be stated on the original subpoena. In making service, a copy of the subpoena shall be exhibited to and left with the person to be served. The original subpoena, bearing or accompanied by the required return, affidavit or statement, shall be returned forthwith to the Secretary of the Commission, or if so directed on the subpoena, to the presiding Commissioner, examiner, or other representative of the Commission before whom the person named in the subpoena is required to appear.

Depositions.

SEC. 1.140 *When permissible.*—The testimony of any witness may be taken by deposition, at the instance of a party to any proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission, in compliance with these rules of practice, but not otherwise.

SEC. 1.141 *Officer before whom taken.*—Such depositions may be taken before a Commissioner, examiner, or other authorized representative of the Commission, and judge, commissioner, or clerk of any court of the United States, any chancellor, judge or justice of a State court, mayor or chief magistrate of a city, or any notary public not being of counsel or attorney to either of the parties or interested in the proceeding or investigation, according to such designation as the Commission may make in its order in the premises. Where such deposition is taken in a foreign country, it may be taken before an officer or person designated by the Commission or agreed upon by the parties by stipulation in writing to be filed with the Commission. The magistrate, person, or officer so designated in this rule will be referred to as the officer.

SEC. 1.142 *Notice of application; service; order for taking.*—Reasonable notice of not less than 10 days, and when the deposition is to be taken in a foreign country, of not less than 15 days, must first be given in writing by the party or his attorney proposing to take such deposition, to the opposing party or his attorney of record, and to the Commission. In such notice, there should be stated the name and post-office address of the witness, the subject matter concerning which the witness is expected to testify, the time and place of taking the deposition, and the name and post-office address of the officer before whom it is desired that the deposition be taken. The opposing party may, within the time stated above, make any appropriate response to such notice. Thereupon, if the application so warrants, the Commission will make and serve upon the parties or their attorneys an order, wherein the Commission will name the witness whose deposition is to be taken, and specify the time, place, and the officer before whom the witness is to testify, but such time and place and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as those named in said notice to the Commission.

SEC. 1.143 *Oath; reduction to writing.*—Every person whose deposition is so taken shall be sworn (or affirmed if he so requests) to testify to the whole truth and nothing but the truth concerning the matter about which he shall testify, and shall be carefully examined. His testimony shall be reduced to typewriting by the officer before whom the deposition is taken, or under his direction, after which the deposition shall be subscribed by the witness, and certified in usual form by the officer. After the deposition has been so subscribed and certified it shall, together with two copies thereof made by such officer or under his direction, be forwarded by such officer, in a sealed envelope addressed to the Commission at its office in Washington, D. C., with sufficient stamps for postage affixed. Upon receipt of the deposition and copies, the Commission will file the deposition in the record in said proceeding, and forward one copy to the party at whose instance the deposition has been taken or his attorney, and the other copy to the opposing party or his attorney. When the deposition is taken at the instance of more than one party, or there is more than one opposing party, the copies will be forwarded by the Commission to the parties or their attorneys designated for that purpose in advance.

SEC. 1.144 *Fees of officers and witnesses.*—Witnesses whose depositions are taken and the officers taking same, shall be entitled to the same fees as are paid for like services in the courts of the United States, which fees shall be paid by the party at whose instance the depositions are taken.

Hearings.

SEC. 1.150 *How ordered.*—Hearings may be ordered by the Commission in its discretion, either upon its own motion, or upon the motion of any party to the proceeding. Witnesses will be examined orally, unless the testimony is taken by deposition, as provided in Sec. 1.140 to Sec. 1.144 or the facts are stipulated in the manner provided for in Sec. 1.120 to Sec. 1.121.

SEC. 1.151 *Notice of hearing.*—Appropriate public notice of any hearing will be given. The notice will state the nature of the matters to be heard, the time and place of the hearing, and, if designated, the name of the Commissioner, examiner, or other representative before whom the testimony is to be taken or the evidence produced. Such notice will be mailed to the parties to the proceeding, to State or other governmental authorities having official interest in the proceeding.

SEC. 1.152 *Appearances.*—The presiding Commissioner, examiner, or other representative before whom the hearing is held will enter upon the record all appearances, with a notation in whose behalf the appearance is made.

SEC. 1.153 *Order of procedure.*—At hearings on formal complaints, the complainant shall open and close. At hearings upon applications, the applicant shall open and close. At hearings on investigations, the presiding Commissioner, examiner, or other representative may direct who shall open and close. In hearings on several proceedings on a consolidated record the presiding Commissioner, examiner, or other representative shall designate who shall open and close. Interveners shall follow the parties in whose behalf the intervention is made, and in all cases where the intervention is not in support of either original party, the presiding Commissioner, examiner, or other representative will designate at what stage such intervener shall be heard.

SEC. 1.154 *Calling for further evidence.*—At any stage of the hearing, or after the close of testimony, the presiding Commissioner, examiner, or other representative may call for further evidence upon any issue, and require such evidence to be presented by the party or parties concerned or by the staff of the Commission, either at that hearing or at a further hearing. At the hearing, the Commissioner, examiner, or other representative presiding, if he deems advisable, may authorize any party to the proceeding to file specific documentary evidence as a part of the record within a time to be fixed by him, but which shall expire not less than 10 days before the date fixed for filing and serving briefs.

SEC. 1.155 *Closing of record.*—Except as provided in Sec. 1.154, the Commissioner, examiner, or other representative conducting the hearing will not receive in evidence or consider as part of the rec-

ord any document, letter, or other writing submitted after the close of testimony, and will so advise the sender.

Transcript of testimony.

SEC. 1.160 *Copies not furnished by the Commission.*—The Commission will make provision for a stenographic record of the proceeding and for such copies of the transcript as it requires for its own purposes, but no copies will be furnished to parties by the Commission.

Briefs and oral argument.

SEC. 1.170 *Oral argument.*—If oral argument before the presiding Commissioner, examiner, or other representative is desired, he should be so notified before or at the hearing, and he may arrange to hear the argument at the close of the testimony. He may impose such limits of time on the argument as he may determine, having regard for other assignments for hearing before him. Such argument will be transcribed and bound with the transcript of testimony and will be available to the Commission for consideration in deciding the case.

SEC. 1.171 *Forms and style of briefs.*—Briefs must comply with the requirements of Sec. 1.80 to Sec. 1.85. The date of each brief must appear on the front cover or title page. Each brief should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects with reference to the pages of the record or exhibit where the evidence appears. It should include requests for such specific findings as the party thinks the Commission should make.

SEC. 1.172 *Arrangement of contents.*—The brief should contain a concise statement of the case, which should precede the abstract of evidence. The abstract of evidence should precede the argument. Exhibits should not be reproduced in the brief, but if desired may be reproduced in the appendix of the brief. Analyses of such exhibits should be included in the abstract of evidence under the subjects to which they pertain. Every brief of more than 20 pages should contain on its front leaves a subject index with page references, and a list of all cases cited, alphabetically arranged, with references to the pages where the citations appear.

SEC. 1.173 *Filing; service; number of copies.*—At the close of the testimony in each case, the presiding Commissioner, examiner, or other representative will, within his discretion, fix the time for filing and service of the respective briefs, depending upon the magnitude of the issues involved. All briefs should be filed simultaneously. Only one initial brief shall be filed by each party. All briefs must be accompanied by notice showing service upon all parties or their attorneys who appeared at the hearing or on brief, and 15 copies of each brief shall be furnished for the use of the Commission.

SEC. 1.174 *Reply briefs.*—The presiding Commissioner, examiner, or other representative shall fix for all parties the same time within which to file their reply briefs. Parties who fail to file an opening or initial brief as required by this rule will not be permitted, except upon leave granted, to file reply to the brief of an opposing party.

Application for further hearing, rehearing, reargument, reconsideration, or modification of an order.

SEC. 1.180 *Petition; filing; service.*—An application for further hearing in a proceeding before final submission, for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision, must be made by petition, under oath, stating specifically the grounds relied upon, filed with the Commission, and served by the petitioner upon all parties to the proceeding or their attorneys of record.

SEC. 1.181 *Statement as to new evidence.*—If the application be for further hearing before final submission, or for reopening the proceeding to take further evidence, the nature and purpose of the evidence to be adduced must be briefly stated, and it must appear not to be merely cumulative.

SEC. 1.182 *Specification of errors.*—If the application be for rehearing, reargument, or reconsideration, the matters claimed to have been erroneously decided must be specified, and the alleged errors briefly stated. If the order of the Commission is sought to be vacated, reversed, or modified by reason of matters which have arisen since the hearing, or of a consequence which would result from compliance therewith, the matters relied upon by the petitioner must be set forth in the petition.

SEC. 1.183 *Time of filing.*—A petition for rehearing must be filed within 30 days after service of the order therein.

SEC. 1.184 *Form and style; service.*—Applications under this rule must conform to the requirements of Sec. 1.80 to Sec. 1.94.

Computation of time.

SEC. 1.190 *When Sunday and holiday not included.*—When the time prescribed by these rules for doing any act expires on a Sunday or legal holiday, such time shall extend to and include the next succeeding day that is not a Sunday or legal holiday.

Access to Commission's records.

SEC. 1.200 *Formal dockets.*—Dockets open to public inspection, except as hereinafter provided, will be maintained by the Commis-

sion containing all formal documents and proceedings with reference to all cases pending before the Commission under the Federal Power Act.

SEC. 1.201 *Applications for permits and licenses.*—Information with respect to applications for preliminary permits, licenses, and amendments, under Part I of the Federal Power Act other than the information shown in the application (excluding the exhibits) and general description of project and general project maps, will not be made public without consent of the applicant except upon a showing satisfactory to the Commission of the public necessity or desirability therefor, regardless of their inclusion in a formal docket.

SEC. 1.202 *Reports and statements.*—Annual reports of public utilities and licensees, and statements relating to the cost or value of licensed projects, filed with the Commission under oath, will be available for public inspection. Other reports and statements made to the Commission by public utilities, licensees, or others may be withheld from public inspection in the discretion of the Commission.

SEC. 1.203 *Hours for inspection.*—Dockets and other records open for public inspection may be inspected during office hours of the Commission insofar as consistent with the proper discharge of the Commission's duties.

Copies of records.

SEC. 1.210 *Charge.*—Copies of documents available for public inspection, and of other documents with the consent of the party who filed the same, will be furnished upon request and payment of charges therefor. Charges will be based upon cost. A schedule of charges will be furnished upon request. An additional charge of 25 cents will be made for each certification of documents by the Secretary of the Commission.

Notice of compliance.

SEC. 1.220 *Filing.*—When, by any provision of these rules or by an order of the Commission in a proceeding before it, or by a provision in a license or permit, a licensee or public utility is required to perform any act (e. g., commence construction of a project, complete construction of a project, make entries on its books of account, etc.) it shall, unless otherwise provided by these rules or by an order of the Commission, or by a provision in a license or permit, file with the Commission within 30 days following the date when such requirement became effective, a notice, under oath, stating that such requirement has been met or complied with.

PART 4

LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

Determination of cost of projects constructed under license.

SEC. 4.1 *Initial cost statement.*—When a project is constructed under a license issued under the act, the licensee shall file within 1 year after the original project is ready for service, an initial statement, under oath, with four additional conformed copies thereof, showing the amount claimed by the licensee as the actual legitimate cost of construction of the original project and the price paid for water rights, rights-of-way, lands or interests in lands, in such detail and on such forms as the Commission may prescribe or approve for that purpose. Similar statements with respect to additions and betterments to the original project, as of December 31, shall be filed annually in the same manner, before April 1 of the following year, unless the Commission shall otherwise direct. Prescribed forms for stating the cost of the original project and of additions thereto and betterments thereof will be furnished by the Commission upon application by the licensee.

SEC. 4.2 *Substance.*—Each statement so filed shall give full, adequate, and complete information with respect to the cost of the original project or addition and betterment, as the case may be. Any statement which does not contain sufficient information will be returned to the licensee for such additional information as the Commission may deem necessary.

SEC. 4.3 *Report on project cost.*—When a statement in satisfactory form shall have been filed with the Commission, its representatives will make an audit of the accounts, will examine and analyze the books, cost records, engineering reports, and other records supporting such statement or pertaining to the project, will inspect the project works, and will prepare a report setting forth their findings and recommendations with respect to the cost as claimed.

SEC. 4.4 *Service of report.*—Copies of such report will be served by registered mail upon said licensees, and copies will also be sent to the State public service commission, or if the State has no regulatory agency, to the governor of the State where such project is located, and to such other parties as the Commission shall prescribe, and the report will be made available for public inspection at the time of service upon the licensee.

SEC. 4.5 *Time for filing protest.*—Thirty days after service thereof will be allowed to such licensee within which to file a protest to such

reports. (See Sec. 1.60.) If no protest is filed within the time allowed, the Commission will issue such order as may be appropriate. If a protest is filed, a public hearing will be ordered in accordance with Sec. 1.150 to Sec. 1.155.

Sec. 4.6 *Burden of proof.*—The burden of proof to sustain each item of the statement of claimed cost as filed shall be upon the licensee and only such items as are in the opinion of the Commission supported by satisfactory proof may be entered in the electric plant accounts of the licensee.

Sec. 4.7 *Finding and final statement.*—Final action by the Commission will be in the form of a finding and order entered upon its minutes and served upon all parties to the proceeding. The licensee shall thereafter file a final statement, under oath, in duplicate, with two additional conformed copies thereof, showing actual legitimate cost revised in conformity with the order of the Commission, together with a statement showing that its records have been revised in conformity with such order.

Determination of fair value of constructed projects, under Section 23 (a) of the Act.

Sec. 4.10 *Valuation data.*—In every case arising under section 23 (a) of the act requiring the determination of fair value of a project already constructed, the licensee shall, within six months after the date of issuance of license, file with the Commission an inventory and appraisal in detail, as of the effective date of the license, of all property subject thereto and to be valued. Such inventory and appraisal shall also show or shall be accompanied by a statement showing the actual legitimate, or if not known, the estimated original cost of the property, by prescribed structural and functional items and units; an estimate of the accrued depreciation segregated as to each separate major item or unit of property; and such other detail as the Commission may require in any particular case. An original, under oath, and four copies of the documents described above shall be submitted on forms to be prescribed or approved by the Commission prior to such submission.

Sec. 4.11 *Reports.*—Representatives of the Commission will inspect the project works, engineering reports, and other records of the project, check the inventory and make an appraisal of the property and an audit of the books, records, and accounts of the licensee relating to the property to be valued, and will prepare a report of their findings with respect to the inventory, appraisal, original cost, accrued depreciation, and fair value of the property.

Sec. 4.12 *Service of report.*—A copy of such report will be served by registered mail upon said licensee, and copies will also be sent to

the State public service commission, or if the State has no regulatory agency, to the governor of the State where such project is located. The report will be made available for public inspection at the time of service upon the licensee.

Sec. 4.13 *Time for filing protest.*—Thirty days after service thereof will be allowed to the licensee within which to file a protest to such report. (See Sec. 1.60.)

Sec. 4.14 *Hearing upon report.*—After the expiration of the time within which a protest may be filed, a public hearing will be ordered in accordance with Sec. 1.150 to Sec. 1.155. The Commission after the conclusion of the hearing will make a finding of fair value, accompanied by an order which will be served upon the licensee and all parties to the proceeding. The licensee shall thereafter file a final statement, under oath, in duplicate, with two additional conformed copies thereof, showing the fair value of the project revised in conformity with the order of the Commission and showing compliance with the provisions of such order with respect to depreciation, together with a statement showing that its records have been revised in conformity with such order.

Determination of cost of constructed projects not subject to section 23 (a) of the act.

Sec. 4.20 *Initial statement.*—In all cases where licenses are issued for projects already constructed, but which are not subject to the provisions of section 23 (a) of the act, the licensee shall, within six months after the date of issuance of license, file with the Commission an initial statement containing an inventory in detail of all property included under the license, as of the effective date of such license; showing the actual legitimate, or if not known, estimated original cost of the property by prescribed structural and functional items and units; setting forth an estimate of the accrued depreciation segregated as to each separate major item or unit of property; and supplying such other detail as the Commission may require in any particular case. An original, under oath, and four copies of such statement shall be submitted on forms prescribed or approved by the Commission prior to such submission.

Sec. 4.21 *Reports.*—Representatives of the Commission will inspect the project works, engineering reports, and other records of the project, check the inventory and estimated depreciation, make an audit of the books, records and accounts of the licensee relating to the property under license, and prepare a report of their findings with respect to the inventory, the original cost of the property and the estimated accrued depreciation thereon.

SEC. 4.22 *Service of report.*—Copies of such report will be served by registered mail upon said licensees, and copies will also be sent to the State public service commission, or if the State has no regulatory agency, to the governor of the State where such project is located, and to such other parties as the Commission shall prescribe, and the report will be made available for public inspection at the time of service upon the licensee.

SEC. 4.23 *Time for filing protest.*—Thirty days after service thereof will be allowed to such licensee within which to file a protest to such reports. (See Sec. 1.60.) If no protest is filed within the time allowed, the Commission will issue such order as may be appropriate. If a protest is filed, a public hearing will be ordered in accordance with Sec. 1.150 to Sec. 1.155.

SEC. 4.24 *Determination of cost.*—The Commission, after receipt of the reports, or after the conclusion of the hearing if one is held, will determine the amounts to be included in the electric plant accounts of the licensee as the cost of the property and the accrued depreciation thereon.

SEC. 4.25 *Finding and final statement.*—Final action by the Commission will be in the form of a finding and order entered upon its minutes and served upon all parties to the proceeding. The licensee shall thereafter file a final statement, under oath, in duplicate, with two additional conformed copies thereof, showing actual legitimate cost revised in conformity with the order of the Commission, and showing compliance with the provisions of such order with respect to depreciation, together with a statement showing that its records have been revised in conformity with such order.

Application for license—general provisions.

SEC. 4.30 *Who may file.*—An application for license may be filed by a permittee in accordance with the provisions of his preliminary permit, or if no permit has been issued, by any citizen, association of citizens, corporation, State, or municipality desirous of obtaining a license pursuant to the act.

SEC. 4.31 *Manner of filing.*—Each application for license shall conform to the requirements of this section and Sec. 1.80 to Sec. 1.85. When an application which is complete and in satisfactory form is received, it will be given a filing number, receipt thereof will be acknowledged to the applicant, and notices will be given in accordance with the requirements of section 4 of the act. Notice will also be given to the General Land Office as to the public lands affected, if any, so that withdrawals from entry may be recorded, unless such action has been taken previously in connection with a preliminary permit. When an application is received which is not complete in all respects, but which contains all information essential for the issuance of

public notice and other initial action, it may be accepted for filing but the applicant will be required to furnish the missing data prior to further consideration. Failure to furnish such data within a reasonable time will constitute grounds for rejection of the application. In case any documents or exhibits required to be filed with an application are already on file with the Commission, in current form and substance, the same may be incorporated in said application by reference.

SEC. 4.32 *Hearing on application.*—A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, and such proceeding shall be in accordance with the provisions of Sec. 1.150 to Sec. 1.155.

SEC. 4.33 *Issuance and acceptance.*—When the Commission shall have authorized the issuance of a license, the same shall be forwarded to the applicant for acceptance. If not accepted within 60 days after receipt thereof, the application will be denied unless an extension of the period is granted by the Commission upon a showing of the necessity therefor.

Application for license for proposed major project or minor part thereof.

SEC. 4.40 *Contents.*—Each application for license for a complete project of more than 100 horsepower installed capacity, to be constructed, or for a minor part of such project shall be verified, shall conform to Sec. 200.2, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the application and all accompanying documents shall be submitted in quadruplicate.

A. The exact name and address of the applicant. (If the applicant desires that correspondence concerning the application be directed to any person other than the one who signs the application, the Commission should be notified of that fact and of the name and address of such other person by a statement indicating that such other person is authorized to act as agent, and that service upon him will be deemed to be service upon the applicant.)

B. If the applicant is a corporation, the State or Territory under the laws of which the applicant was organized, and if authorized to operate in more than one State, all pertinent facts should be stated.

C. The measure of control or ownership, if any, exercised by applicant in any other organization or over applicant by any other organization.

D. The name of each State in which the applicant operates or proposes to operate electric power plants or facilities.

E. A concise general description of the project and the principal project works, including dams, reservoirs, water conduits, power houses, substations, switch yards, and transmission lines, in such detail as may be applicable.

F. The location of the project, the region of its location designated by adjacent cities and towns, the name of the stream on which the proposed project will be located, and a statement of the extent to which commerce is carried thereon.

G. The lands of the United States which will be affected by the proposed project, and the estimated value of such lands, based upon the most profitable use for which suited.

H. The proposed scheme of development; also an estimate of the power available for 90 percent of the time and the proposed installed capacities, both initial and ultimate, expressed in horsepower.

I. The proposed use or market for the power to be developed, indicating whether applicant is a public utility or will become a public utility, and if so whether it is or will be subject to regulation by any State agency. In case the applicant can give no positive assurance that there is or will be a demand for the power upon completion of construction of the project, and that it will be used or distributed by the applicant or sold to others for use or distribution, a full and complete statement and explanation shall be made of the applicant's expectations in this regard and of the basis therefor.

J. The location and capacity of all power plants or other electric facilities owned or operated by the applicant, the market supplied thereby, and the relation thereof to the project applied for and a brief description of such other plants.

K. Other data which the applicant may consider pertinent.

SEC. 4.41 *Required exhibits.*—There shall be filed with the application for license and as a part thereof the following exhibits, certified in conformity with Sec. 200.4:

Exhibit A.—If applicant is a corporation: One copy of charter or certificate and articles of incorporation, with all the amendments thereto, duly certified by the secretary of state of the State where organized, or other proper authority, and three uncertified copies; one certified and three uncertified copies of the by-laws; and a certificate of organization in quadruplicate in conformity with Sec. 200.3. If the project is located in another State than that in which the corporation is organized, a certificate and three copies shall be submitted from the secretary of state or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality as defined in the Federal Power Act: One copy of its charter or other organization papers, duly certified by the secretary of state of the State in which it is located, or other proper authority, and three uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by applicant that he is a citizen of the United States, and three copies thereof.

If the applicant is an association: One verified copy and three additional copies of its articles of association. If there are no articles of association, that fact shall be stated over the signature of each member of the association and three additional copies of the statement submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, and an original and three copies submitted.

Exhibit B.—Copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant, properly attested, and three additional copies, authorizing the filing of application.

Exhibit C.—If special hydroelectric, water-power, or irrigation laws of the State or States involved pertain to the construction of the applicant's project, submit copies of such laws or reference thereto. (General State incorporation acts are not desired.)

Exhibit D.—Evidence that the applicant has complied with the requirements of the laws of the State or States within which the project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business, necessary to effect the purposes of the license applied for, including a certificate of convenience and necessity, if required. This evidence shall be accompanied by a statement of the steps that have been taken and the steps that remain to be taken to acquire franchise or other rights from States, counties, and municipalities before the project can be completed and put into operation.

Exhibit E.—The nature, extent, and ownership of water rights which the applicant proposes to use in the development of the project covered by application, together with satisfactory evidence that the applicant has proceeded as far as practicable in perfecting its rights to use sufficient water for proper operation of the project works. A certificate from the proper State agency setting forth the extent and validity of the applicant's water rights shall be appended if practi-

633267—45——3

cable. In case the approval or permission of one or more State agencies is required by State law as a condition precedent to the applicant's right to take or use water for the operation of the project works, duly certified evidence of such approval or permission, or a showing of cause why such evidence cannot be reasonably submitted shall also be filed. When a State certificate is involved, one certified copy and three uncertified copies shall be submitted.

Exhibit F.—Full details as to lands owned by applicant, and as to applicant's plans for acquiring title to or the right to occupy and use lands other than those owned by the applicant or by the United States, necessary or essential for carrying out the project covered by the application. If the applicant, at the time of filing application, has by easement, lease, franchise, or otherwise acquired the right to occupy and use lands owned by others, the statement should show with respect to each separate right of occupancy and use—

(1) From whom acquired.
(2) The date acquired.
(3) Nature and extent of the right acquired.
(4) Whether perpetual or limited term.
(5) If of limited term, when such term expires.
(6) For each parcel acquired, the area inside of the project boundary and the area outside of the project boundary.

Exhibit G.—Statement showing the financial ability of the applicant to carry out the project applied for, together with a statement or explanation of the proposed method of financing the construction thereof.

Exhibit H.—Statement of the effect of the proposed operation of the project works on the normal flow of the stream, including a statement of the minimum flow proposed to be released during periods of low water and full exposition of the relation of any proposed ponding of the flow to the conservation and utilization in the public interest of the available water resources for the purpose of power, navigation, irrigation, reclamation, flood control, and municipal water supply.

Exhibit I.—Complete data upon which the estimate of power available for 90 percent of the time and the installed horsepower capacity of the project are based, including stream-flow, evaporation records, static heads, etc., a list of all present and proposed sources of power for the system of which the project will be a part, including both water-power and fuel-power plants, their approximate location and sources of water, ultimate capacity of all power plants in use or proposed to be used, and the present installed capacity of constructed plants; also connections, if any, with other power systems.

Exhibit J.—General map covering the entire project area, showing on a single sheet and to an appropriate scale the location of the following:

(1) Principal structures and other important features of the project, including such roads, railways, tramways, and bridges as it is proposed shall become part of the project works and be placed under the license.

(2) All transmission lines, substations, switchyards, and telephone lines, which it is proposed shall become a part of the project works and be placed under license, as well as the general layout of the transmission system, if any, with which the project may be connected, indicating prominently by appropriate symbol the portion or portions of the transmission lines or system covered by application for license.

(3) State and county lines, towns, streams, stream gaging stations, railroads, power plants, irrigation systems, and other features in the vicinity of the proposed development, information concerning which will aid in arriving at a general comprehension of the project.

(4) Reference to the detail map indicating by outline the portion shown on each sheet.

(5) If all features cannot be shown with sufficient distinctness on one sheet, two general maps may be furnished, one for the power plant and appurtenant works, and one for the transmission system. (One tracing and four blue prints. See specifications for drawings, Sec. 4.42.)

Exhibit K.—Detail map covering entire project area. Scale shall be such as to show clearly, but without unnecessary multiplicity of sheets, the essential details of surveys and of notes as to ownership or right of occupancy of lands within the project area. In general, a scale of approximately 400 feet to the inch is appropriate for features containing a relatively large amount of detail, and scales of 1,000 or 2,000 feet to the inch where there is little detail, as is frequently the case with respect to transmission and telephone lines, roads, and railways. Elevations shall be tied to Government bench marks whenever available, and shall be referred to mean sea level except that in the case of projects in navigable waters having a datum accepted for local use by the Office of the Chief of Engineers, War Department, such local datum shall be used. If more than one sheet is used, the sheets shall be numbered consecutively, and each shall bear a small diagram showing the entire map and indicating the portions shown on each sheet. Several sections of a conduit, transmission line, telephone line, road, railway, etc., may be shown upon a single sheet, each so placed or limited as to avoid crowding or confusion. Except to the extent and in such particulars as the requirements may be expressly waived or modified by the Commission,

the detail map to be filed as this exhibit shall conform to the specifications for drawings, Sec. 4.42, and the following requirements:

(1) It shall show the project area and the project boundary.

(*a*) Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe lines, transmission lines, roads, and other so-called continuous structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks with reference lines therefrom to permanent objects in accordance with good practice in land surveying.

(*b*) If the project boundary is located on lands covered by the public land survey there shall be shown a reference line from the initial point of the project boundary survey by distances and bearings to an established corner if one can be identified within a distance of 2 miles. At each intersection of the project boundary with an identified line of the public land survey, there shall be shown the station number on the boundary survey, and the bearing and distance to the nearest identified corner in each direction on the public land survey line crossed, if such distance does not exceed one mile.

(*c*) Field notes, or a description by metes and bounds, of the final location survey of the project boundary shall be furnished either on the map or on separate sheets to be made a part of the exhibit, unless all courses and distances are fully and legibly shown along the plotted boundary.

(*d*) Such portions of the project area as will be used for continuous structures, such as transmission lines, telephone lines, canals, roads, etc., may be described by center or offset lines of survey specifying distances of the project boundary therefrom. Such lines of survey shall be referred to the public land survey and permanent objects in a manner similar to that prescribed for the project boundary.

(*e*) There shall be shown the status as to ownership, and the boundary lines and area of each parcel of land within, or partly within, the project area, designating separately lands owned by the applicant, lands to be acquired by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands, full title to which remains in the United States, and lands in which

the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only as easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right and shall give appropriate reference to exhibit F for further details.

(2) The location shall be accurately shown of all project works, such as—

(*a*) Dams.

(*b*) Reservoirs. Show the flow lines for maximum and minimum water levels and for elevation of spillway crest, and give tables or diagrams of areas and capacities for maximum and minimum water levels and for each contour line.

(*c*) Water conduits. Show center line, grade, and elevation of bottom at each change of grade, and designate lengths of each type of conduit, i. e., flume, ditch, tunnel, pipe, etc.

(*d*) Powerhouses, substations, and switchyards.

(*e*) Transmission lines and appurtenances, telephone lines, roads, railways, trails, tramways, and bridges.

(*f*) Navigation structures.

(*g*) Channel approaches to navigation structures. Indicate elevation of bottom for distances of not less than 1,000 feet above and below the structures.

(3) Show contour lines with contour intervals of not more than 10 feet for the entire project area, except such portions as will be occupied only by such project works as are enumerated in (2) (*e*) above, or as will be included in reservoirs below the minimum elevation to which the water may be drawn down. Profiles of tunnel lines may be substituted for contours along such lines.

(One tracing and four blue prints. See specifications for drawings in Sec. 4.42.)

Exhibit L.—General design drawings showing plans, elevations, and sections of all principal structures and appurtenant works or other features of the project. These drawings shall be in sufficient detail and shall be accompanied by sufficient information relating to controlling factors (such as character of foundations and explorations thereof, materials, types of construction, important elevations, water levels, etc.) to enable the Commission to have a full understanding of the project and to check safety, adequacy, and desirability in the development of the resources involved.

Scales are not specified, but it is desired that they be no larger than necessary to show clearly the information required. Drawings should be simple. Details are desired only as necessary to show features of importance in determining safety, adequacy, and suitability of

design. Working drawings are not desired as part of application, but should be prepared for purposes of construction and retained as a record of the work when ompleted. In this exhibit shall be included—

(1) Dams and appurtenances, such as spillways, fishways, outlet works, etc.

(2) Navigation structures and approaches thereto, including locks, lock gates, operating machinery, etc.

(3) Conduits, including forebays, intake works, surge tanks, and other pressure relief devices, etc.

(4) Powerhouses and substations.

(One tracing and four blue prints. See specifications for drawings in Sec. 4.42.)

Exhibit M.—General descriptions and general specifications of mechanical, electrical, and transmission equipment and their appurtenances in sufficient detail to enable the Commission to have a full understanding of the project, to determine the installed capacity in horsepower, and to determine the safety of the project works and their adequacy and suitability for the development and utilization of the resources involved.

Exhibit N.—Estimate of the cost of developing the project, segregated by principal features showing quantities, unit costs, etc., in sufficient detail for a full understanding of the elements of cost of the project. The estimate shall include all lands, flowage, and other rights, intangible, indirect, overhead, and contingent costs and shall show the total estimated cost of the complete development and of different parts thereof appropriately classified. The estimate shall also show by whom it was made.

Exhibit O.—Detailed statement of the time desired for beginning and completing construction of the projects works. If the ultimate development is to be completed and put into operation in two or more parts, the time desired for beginning and completing the construction of each part shall be given.

Sec. 4.42—*Specifications for drawings* [1]

[See Sec. 4.30 to Sec. 4.86]

All maps and other drawings required in connection with licenses and preliminary permits shall conform to the following specifications:

1. They shall be original black-ink drawings on tracing linen, cut to uniform size not smaller than 24 by 36 inches and not larger than 28 by 40 inches, the latter size being preferred, and shall be so drawn and lettered as to be legible when reduced by photography to 10½ inches in small dimension. Lithographed

[1] Applicants should apply to the Commission for sample map of project area. Applications must conform to requirements of Sec. 1.70 to Sec. 1.72.

official maps issued by Federal or State agencies may be used to furnish supplemental data when desired and when so used, one copy for permanent record shall be mounted on linen.

2. Each drawing shall have a clear border of one-half inch on three sides and 2½ inches on one of the shorter sides, which shall be the left-hand border.

3. Each drawing shall have a numerical scale and a graphical scale, the latter not less than 6 inches in length.

4. Each map shall have true and magnetic meridians indicated thereon.

5. There shall be provided a space 5 by 7 inches in the lower right corner of each drawing, the upper half of which shall bear the title, scale, etc., and the lower half shall be left clear.

6. If the project affects lands covered by the public-land survey the maps shall show the location of all lines of such survey crossing the project area, and all official subdivisions of sections including lots and irregular tracts, correctly designated as on the latest governing official plats of survey, copies of which can be obtained from the General Land Office, Washington, D. C., or examined in the local land office. If the project affects unsurveyed public lands or reservations, the protraction of townships and section lines shall be shown; such protractions whenever available to be those recognized by the agency of the United States having jurisdiction over the lands.

7. All drawings shall be rolled, not folded, for mailing.

Application for license for constructed major project or minor part thereof.

Sec. 4.50 *Contents.*—Each application for license for a complete project of more than 100 horsepower installed capacity already constructed, or for a minor part of such project, shall be verified, shall conform to Sec. 200.2 and shall set forth in appropriate detail all information and exhibits prescribed in Sec. 4.40 to Sec. 4.42 for applications for licenses for proposed major projects, except as hereinafter provided. Unless otherwise specified, the application and all accompanying exhibits shall be submitted in quadruplicate. Exhibits shall be certified in accordance with Sec. 200.4.

Exhibits J, K, L, and M.—If the application covers project works in addition to those already constructed the maps, plans, and descriptions of the project works shall distinguish clearly in some appropriate manner the project works or parts thereof which have been constructed from those to be constructed.

Exhibit N.—This exhibit shall be a statement of actual or approximate original cost of the constructed project in such detail as may be readily available and, if the application covers project works in addition to those already constructed, an estimate of the cost of such additional works. The statement of estimated cost of new construction should be segregated by principal features, showing quantities, etc., in sufficient detail for a full understanding of the elements of the cost thereof. Both statements shall include lands, flowage and other rights, intangible, indirect, overhead, and contingent costs. The statement of cost of projects already constructed is for the information of the Commission and is not to be confused with the

detailed inventory and statement of cost, depreciation, etc., to be filed later. (See Sec. 4.10 to Sec. 4.25.)

Exhibit O.—Detailed statement of the time desired for beginning and completing additional construction, if any. If the additional construction is to be completed and put in operation in two or more parts, the time desired for beginning and completing the construction of each part shall be given.

SEC. 4.51 *Additional Exhibits.*—The following additional exhibits shall be furnished:

Exhibit P.—A statement of the nature and character of the permit, right-of-way, or other authority, if any (see sec. 23 (a) of the act), claimed to be held by the applicant. This statement shall be accompanied by copies of or appropriate references to the legislative authority, if any, by or under which such permit, right-of-way, or authority was acquired, and if granted by an instrument in writing, certified copy of such instrument, or in lieu thereof, if such a copy is of record in any department of the United States Government at Washington, a statement to that effect and reference thereto.

Exhibit Q.—A statement setting forth a brief history of the project works already constructed, giving time of commencement and of completion of construction of the several parts thereof, date of commencement of operation, and method of financing. (See Sec. 4.42 for specifications for drawings.)

Application for license for minor project.

SEC. 4.60 *Contents.*—Each application for license for a complete project of 100 horsepower installed capacity or less, or for a part thereof, whether to be constructed or already constructed, shall be verified, shall conform to Sec. 200.2, and set forth in appropriate detail the information prescribed by Sec. 4.40 to Sec. 4.42, for application for licenses for proposed major projects, but accompanied by the following abridged list of exhibits. Unless otherwise specified, the application and all accompanying documents shall be submitted in quadruplicate. Exhibits shall be certified in accordance with Sec. 200.4.

Exhibits A to E.—As prescribed by Sec. 4.40 to Sec. 4.42.

Exhibit F.—Map of the project area drawn to any convenient scale and showing—

(1) The project area and the project boundary.

(*a*) Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe lines, transmission lines, roads, and other so-called continuous

structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks and reference lines therefrom to permanent objects, in accordance with good practice in land surveying.

(*b*) If the project boundary is located on lands covered by the public-land survey, there shall be shown a reference line from the initial point of the project boundary survey by bearings and distances to an established corner, if one can be identified within a distance of two miles. At each intersection of the project boundary with an identified line of the public-land survey, there shall be shown the station number on the boundary survey and the bearing and distance to the nearest identified corner in each direction on the public-land survey line crossed, if such distance does not exceed one mile.

(*c*) Field notes, or a description by metes and bounds, of the final location survey of the project boundary shall be furnished either on the map or on separate sheets to be made a part of the exhibit, unless all courses and distances are fully and legibly shown along the plotted boundary.

(*d*) Such portions of the project area as will be used only for continuous structures, such as transmission lines, telephone lines, canals, roads, etc., may be described by center or offset lines of survey, specifying distances of the project boundary therefrom. Such lines of survey shall be referred to the public-land survey and permanent objects in a manner similar to that prescribed for the project boundary.

(*e*) There shall be shown the status as to ownership and the boundary lines and area of each parcel of land within the project area, designating separately lands owned by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands full title to which remains in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only an easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right.

(2) The location and general plan of all project works, such as dams, reservoirs, canals, flumes, pipe lines, powerhouses, transmission lines, telephone lines, roads, trails, etc. Indicate the flow line fixed by maximum water level and the area and storage capacity of each reservoir. If the application covers project works in addition to those already constructed, show in an appropriate manner which

project works or parts thereof have already been constructed. (One tracing and four blue prints. See specifications for drawings, Sec. 4.42.)

Exhibit G.—General description of mechanical, electrical, and transmission equipment, and other appurtenances in sufficient detail to enable the Commission to have a full understanding of the project, and to determine the installed capacity in horsepower.

Exhibit H.—Statement of the cost of constructed works and of the estimated cost of works to be constructed, showing quantities, unit costs, etc., in sufficient detail for a full understanding of the elements of cost of the project.

Exhibit I.—(To be filed for constructed projects only.) Statement of the nature and character of the permit, right-of-way, or other authority, if any (see sec. 23 (a) of the act), claimed to be held by the applicant.

Application for license for transmission line only.

SEC. 4.70 *Contents.*—Each application for license for transmission line only shall be verified, shall conform to Sec. 200.5 and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the application and all accompanying documents shall be submitted in quadruplicate.

A. The exact name of the applicant.

B. If the applicant is a corporation, the State or Territory under the laws of which the applicant was organized, and if authorized to operate in more than one State; all pertinent facts should be stated.

C. A concise general description of the transmission line or lines.

D. The location of the project, designating the State and county, and the lands of the United States and reservations which will be affected.

E. The proposed use or market for the power to be transmitted.

F. The name, title, and post-office address of the person to whom correspondence in regard to the application shall be addressed.

SEC. 4.71 *Required Exhibits.*—There shall be filed with the application and as a part thereof the following exhibits, certified in conformity with Sec. 200.4:

Exhibits A, B, C, and D as prescribed by Sec. 4.40 to Sec. 4.42 for applications for licenses for proposed major projects.

Exhibits J and K.—Maps conforming to the requirements of Sec. 4.40 to Sec. 4.42 for applications for proposed major projects, insofar as said requirements are applicable to transmission lines. If the application covers only part of a transmission system, exhibit J shall show the connection to the nearest substations or main transmission lines through which the project line obtains and delivers its energy and either the general map or a small key map shall show the relation

of the project to the main transmission system of the applicant in that region and to any previously licensed portions of said system. In exhibit K it is necessary to furnish detailed information for only those parts of the line or lines which cross lands of the United States, it being understood that the Commission reserves the right to call for similar information with respect to other lands if deemed essential. For short lines exhibits J and K may be combined in one map.

Exhibit M.—General description and specifications of the transmission line and appurtenances in sufficient detail for a full understanding of the project and for a determination of the safety and suitability of the project works.

Exhibit N.—Estimate of cost of the project.

Exhibit O.—Statement of time desired for beginning and completing construction of the project.

Exhibit P.—(Projects already constructed.) A statement of the nature and character of the permit, right-of-way, or other authority, if any (see sec. 23 (a) of the act), claimed to be held by the applicant. This statement shall be accompanied by copies of or appropriate references to the legislative authority, if any, by or under which such permit, right-of-way, or authority was acquired, and if granted by an instrument in writing, certified copy of such instrument, or in lieu thereof, if such a copy is of record in any department of the United States Government at Washington, a statement to that effect and reference thereto.

Exhibit Q.—(Projects already constructed.) A statement setting forth a brief history of the project works already constructed, giving time of commencement and of completion of construction of the several parts thereof and date of commencement of operation.

NOTE.—A general favorable determination was made by the Commission April 17, 1922, covering transmission line project lands. See note 1 to Sec. 25.2.

SEC. 4.75 *Application for license for electric lines (11,000 volts or less) in National Forests.*—On October 13, 1936, the Commission ordered:

That applications duly filed with the United States Forest Service on Forest Service special-use application, form 866, for permits for the use of Forest Service lands for electric lines to operate at 11,000 volts or less shall be deemed to constitute applications for minor-part licenses for the construction, maintenance, and operation of such lines under the Federal Power Act;

That the issuance of a special-use permit by the Forest Service pursuant to an application of the aforementioned character, when two duplicate original copies of such application and special-use permit shall have been filed with the Commission within 60 days after the issuance of such permit, shall constitute *prima facie* evidence of the right of such applicant under the Federal Power Act to receive the license applied for and to occupy the required lands pending action by the Commission on the application;

That reasonable annual charges as fixed by the Commission for recompensing the United States for the use, occupancy, and enjoyment of its lands, shall be paid to the United States through the Commission at the end of each calendar year or within 30 days thereafter, upon bills rendered or approved by the Commission, such charges to begin as of date of the approval of the application by the Secretary of Agriculture.

Application for preliminary permit and amendments thereof.

SEC. 4.80 *Who may file.*—Any citizen, association of citizens, corporation, State, or municipality desirous of obtaining a license pursuant to the act for a project of more than 100 horsepower installed capacity may make application for the issuance of a preliminary permit for the purpose of enabling applicant to secure the data and perform the acts required by law for filing an application for the issuance of a license.

SEC. 4.81 *Manner of filing.*—Applications for preliminary permits shall conform to the requirements of this rule (Sec. 4.80 to Sec. 4.86) and Sec. 1.80 to Sec. 1.85. When an application which is complete and in satisfactory form is received, it will be given a filing number, receipt thereof will be acknowledged to the applicant, and notices will be given in accordance with the requirements of section 4 of the act. Notice will also be given to the General Land Office as to the public lands affected, if any, so that withdrawals from entry may be recorded. When an application is received which is not complete in all respects, but which contains all information essential for the issuance of public notice and other initial action, it may be accepted for filing but the applicant will be required to furnish the missing data prior to further consideration. Failure to furnish such data within a reasonable time will constitute grounds for rejection of the application.

SEC. 4.82 *Contents of application.*—Each application for preliminary permit shall be submitted as prescribed in Sec. 200.10 and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the application and all accompanying documents shall be submitted in quadruplicate.

A. The exact name and address of the applicant. (If the applicant desires that correspondence concerning the application be directed to any person other than the one who signs the application, the Commission should be notified of that fact and of the name and address of such other person by a statement indicating that such other person is authorized to act as agent, and that service upon him will be deemed to be service upon the applicant.)

B. If the applicant is a corporation, the State or Territory under the laws of which the applicant was organized, and if authorized to operate in more than one State, all pertinent facts should be stated.

C. The measure of control or ownership, if any, exercised by or over applicant in any other organization.

D. The name of each State in which the applicant operates or proposes to operate electric power plants or facilities.

E. The location of the project, the region of its location designated by adjacent cities and towns, the name of the stream on which the proposed project will be located, and a statement of the extent to which commerce is carried thereon.

F. The lands of the United States which will be affected by the proposed project.

G. A concise general description of the project and the proposed scheme of development, including an estimate of the power available for 90 percent of the time and the proposed installed capacity expressed in horsepower.

H. The proposed use or market for the power to be developed, indicating whether applicant is a public utility or will become a public utility, and if so whether it is or will be subject to regulation by State agency. In case the applicant can give no positive assurance that there is or will be a demand for the power upon completion of construction of the project, and that it will be used or distributed by the applicant or sold to others for use or distribution, a full and complete statement and explanation shall be made of the applicant's expectations in this regard and of the basis therefor.

I. The location and capacity of all power plants owned or operated by the applicant; the market supplied thereby and the relation thereof to the project applied for, and a brief description of such other plants.

J. Such further data as the applicant may consider pertinent.

K. (Required exhibits.) There shall be filed with the application and as a part thereof the following exhibits, certified in conformity with Sec. 200.4.

Exhibit A.—If the applicant is a corporation: One copy of charter or certificate, and articles of incorporation, with all the amendments thereto, duly certified by the secretary of state of the State where organized, or other proper authority, and three uncertified copies; one copy of the by-laws, duly certified, and three uncertified copies; and a certificate of organization in quadruplicate in Sec. 200.3. If the project is located in another State than that in which the corporation is organized, a certificate and three copies thereof shall be submitted from the secretary of state or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality as defined in the Federal Power Act: One copy of its charter or other organization papers, duly certified by the secretary of state of the State in which it is located, or other proper authority, and three uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by each applicant that he is a citizen of the United States and three copies thereof. (See Sec. 200.10.)

If the applicant is an association: The association shall submit a verified copy of its articles of association, and three additional copies thereof. If there are no articles of association, that fact shall be stated over the signature of each member of the association and an original and three copies shall be submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, together with three copies. (See Sec. 200.10.)

Exhibit B.—A copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant authorizing the filing of application, one copy properly attested, and three additional copies.

Exhibit C.—Statement of nature and amount of data available, such as surveys, maps, plans, stream measurements, foundation explorations, etc., and of work already performed, including preliminary construction activities, such as clearing, road building, etc.

Exhibit D.—Statement of nature and amount and estimated cost of work proposed to be performed under the preliminary permit, such as surveying, preparation of maps, plans, measurement of streams, exploration of foundations, or preliminary construction.

Exhibit E.—Statement of nature, extent, and ownership of water rights which applicant contemplates using in the development of the project; also statement of applicant's plans with reference to perfecting water rights.

Exhibit F.—Statement of ownership of lands which applicant contemplates using in the development of the project, also statement of applicant's plans with reference to acquiring lands or rights of occupancy and use thereof.

Exhibit G.—Statement containing such data as the applicant desires to supply as to his ability to finance the preliminary work as well as the project applied for.

Exhibit H.—A general map showing the nature of the proposed project, its principal features and their location, and the location of the project as a whole with reference to some well-known town or stream. On this map shall be placed a line indicating the approximate project boundary of the area to be occupied by the principal project works, such as, dams, reservoirs, forebays, waterways, and powerhouses, but excluding transmission lines, and if necessary in order to determine location of the project on the ground, there shall be shown on the map the approximate distances and bearings of points on the project boundary from natural objects or permanent monuments that can be readily found or recognized from descriptions thereof noted on the map, such points to be located at sufficiently frequent intervals to serve such purposes. If the project is on land covered by public land survey, such distances and bearings shall be shown from the nearest existing corners of such survey. (One tracing and four blue prints. See specifications for drawings, Sec. 4.42.)

Exhibit I.—This exhibit shall be submitted only if public lands or reservations are affected and shall be a map of the proposed project showing principal project works in a manner similar to the preceding exhibit H, except that such map shall show and shall be on a scale to present effectively the project boundary which shall be the line enclosing all quarter-quarter sections, lots, and other smallest legal subdivisions of public land survey which may be occupied or used in whole or in part by the project. It shall also show the status of lands, indicating separately lands patented, lands entered or otherwise embraced in any unperfected claim under the public land laws, unreserved public lands, and lands of each and every reservation affected. (One tracing and four blue prints. See specifications for drawings, Sec. 4.42. If desired a single map may be submitted for exhibits H and I, provided it shows all the information required for both.)

Sec. 4.83 *Hearings on applications.*—Hearings upon applications may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, and such proceeding shall be in accordance with the provisions of Sec. 1.150 to Sec. 1.155.

Sec. 4.84 *Amendments.*—Applications for amendments of preliminary permits shall follow the form prescribed for original applications, as far as applicable. If an application for an amendment embraces sites or areas not covered by the original permit, notice of such application will be given in the manner required for the original application. Unless otherwise specified, four copies of the application and all accompanying documents shall be submitted.

Sec. 4.85 *Issuance.*—When the issuance of a preliminary permit or amendment thereof shall have been authorized by the Commission, a draft thereof, in triplicate will be submitted to the applicant for acceptance; and upon acceptance, such permit or amendment will be issued by the Commission, and service will be made upon all parties in interest in accordance with Sec. 1.90 to Sec. 1.94. If not accepted

within 60 days after receipt thereof, the authorization therefor will be void unless an extension of the period is granted by the Commission upon a showing of the necessity therefor.

SEC. 4.86 *Construction work under permit.*—Upon a satisfactory showing of reasons therefor, the Commission may authorize permittees to perform such construction work as may be necessary to maintain water rights under State law, or as may be desirable in preparation for the construction of project works; but the granting of such authority shall not be deemed to have created any equities or to have established any rights beyond what would have been created or established had such authority not been given.

PART 5

APPLICATION FOR AMENDMENT OF LICENSE

SEC. 5.1 *Amendment of license.*—Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or an abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. If, after consideration of an application for amendment of the license, the Commission is of the opinion that the contemplated changes are of such character as to constitute a substantial alteration of the license, public notice of such application shall be given by an advertisement made at least 30 days prior to action upon the application. Applications for amendment of license shall be submitted in quadruplicate in accordance with Sec. 200.30 and verified.

SEC. 5.2 *Amendment of plans.*—Application for amendment of plans for a project under license shall be filed with the Commission, fully describing the changes licensee proposes to make. (See note to Sec. 200.30.)

SEC. 5.3 *Extension of time.*—Application for extension of time fixed in the license for commencement or completion of construction of project works shall be filed with the Commission not less than three months prior to the date or dates so fixed. (Follow Sec. 200.30.)

PART 6

SURRENDER OR TERMINATION OF LICENSE

SEC. 6.1 *Application for surrender.*—Every application for surrender of a license shall state the reason therefor; and, except in the case of an application for surrender of a license for a minor project, or for a transmission line only, shall be executed by the licensee and

filed in the same form and manner as the application for license (see Sec. 4.30 to Sec. 4.51); and be accompanied by the license and all amendments thereof.

SEC. 6.2 *Surrender of license.*—Licenses may be surrendered only upon the fulfillment by the licensee of such obligations under the license as the Commission may prescribe, and, if the project works authorized under the license have been constructed in whole or in part, upon such conditions with respect to the disposition of such works as may be determined by the Commission.

SEC. 6.3 *Termination of license.*—Licenses may be terminated by written order of the Commission not less than 90 days after notice thereof shall have been mailed to the licensee by registered mail to the last address whereof the Commission has been notified by the licensee, if there is failure to commence actual construction of the project works within the time prescribed in the license, or as extended by the Commission. Upon like notice, the authority granted under a license with respect to any separable part of the project works may be terminated if there is failure to begin construction of such separable part within the time prescribed or as extended by the Commission.

SEC. 6.4 *Termination by implied surrender.*—If any licensee holding a license subject to the provisions of section 10 (i) of the act shall cause or suffer essential project property to be removed or destroyed, or become unfit for use, without replacement, or shall abandon, or shall discontinue good faith operation of the project for a period of three years, the Commission will deem it to be the intent of the licensee to surrender the license; and not less than 90 days after public notice may in its discretion terminate the license.

SEC. 6.5 *Annual charges.*—Annual charges arising under a license surrendered or terminated shall continue until the effective date of the Commission's order with respect to such surrender or termination.

PART 9

TRANSFER OF LICENSE OR LEASE OF PROJECT PROPERTY

Application for transfer of license.

SEC. 9.1 *Filing.*—Any licensee desiring to transfer a license or rights thereunder granted, and the person, association, corporation, State, or municipality desiring to acquire the same, shall jointly or severally file an application for approval of such transfer and acquisition. Such application shall be submitted in quadruplicate under oath and shall conform to Sec. 200.20.

633267—45——4

SEC. 9.2 *Contents of application.*—Every application for approval of such transfer and acquisition by the proposed transferee shall set forth in appropriate detail the qualifications of the transferee to hold such license and to operate the property under license, which qualifications shall be the same as those required of applicants for license.

SEC. 9.3 *Transfer.*—Approval by the Commission of transfer of a license is contingent upon the transfer of title to the properties under license, delivery of all license instruments, the payment of annual charges to date, and a showing that such transfer is in the public interest. The transferee shall be subject to all the conditions of the license and to all the provisions and conditions of the act, as though such transferee were the original licensee. When the Commission shall have authorized the transfer of any license, the transferee shall file with the Commission, within 30 days after such transfer, a certified copy of the deed of conveyance or other instrument evidencing transfer of the property under license, together with evidence of the recording thereof, and within the same period annual charges to the date of transfer shall be paid, whereupon the instrument approving the transfer of license will issue.

Application for lease of project property.

SEC. 9.10 *Filing.*—Any licensee desiring to lease the project property covered by a license or any part thereof, whereby the lessee is granted the exclusive occupancy, possession, or use of project works for purposes of generating, transmitting, or distributing power, and the person, association, or corporation, State, or municipality desiring to acquire such project property by lease, shall file four copies of such proposed lease together with an application in quadruplicate for approval thereof. Such application and action thereon by the Commission will, in general, be subject to the provisions of Sec. 9.1 to Sec. 9.3 inclusive.

PART 11

ANNUAL CHARGES

SEC. 11.20 *Cost of administration.*—Reasonable annual charges will be assessed by the Commission against individual licensees for reimbursing the United States for the cost of administration of Part I of the Federal Power Act as follows:

A. For projects of more than 100 horsepower of ultimate installed capacity—

(1) A charge of one cent per horsepower of the ultimate horsepower capacity authorized to be installed by the license; and

(2) A charge of not to exceed three cents per thousand kilowatt hours of energy generated by each project during the preceding fiscal year ended June 30.

To enable the Commission to determine such charges annually, each licensee shall file with the Commission, on or before September 1 of each year, a statement under oath showing the amount of energy generated (or produced by nonelectrical equipment) during the preceding fiscal year, expressed in kilowatt-hours.

B. For projects of 100 horsepower or less of ultimate installed capacity the charge shall be $5 per annum, subject to the provisions of Sec. 11.23.

C. For projects involving transmission lines only the administration charge shall be a minimum of $5 per annum.

D. For projects not covered by the above sections, reasonable annual charges will be fixed by the Commission after consideration of the facts in each case.

SEC. 11.21. *Use of Government lands, etc.*—Reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands (other than lands adjoining or pertaining to Government dams or other structures) or its other property, will be fixed by the Commission. In fixing such charges the Commission may take into consideration such factors as commercial value, the most profitable use for which the lands or other property may be suited, the beneficial purpose for which said lands or other property have been or may be used, and such other factors as the Commission may deem pertinent. Upon reasonable notice and opportunity for hearing, such charges may be adjusted from time to time by the Commission. The annual charge for the use of lands of the United States for transmission lines only shall be at the rate of $8.00 per mile per annum for rights-of-way 100 feet in width, with proportional increase or decrease for rights-of-way having greater or less width. The minimum annual charge for use of Government lands under any license shall be five dollars.

SEC. 11.22. *Use of Government dams, structures, tribal lands.*—Reasonable annual charges for recompensing the United States for the use of Government dams or other structures owned by the United States, and for the use, occupancy, and enjoyment of the lands of the United States adjoining or pertaining thereto, will be based upon the estimated value for power purposes of the properties and privileges for which a license is issued: *Provided, however,* That annual charges for the use of Government dams or other structures owned by the United States in reclamation projects or for use of tribal lands embraced within Indian reservations shall be determined in accordance with the provisions of Section 10 (e) of the Federal Power Act.

SEC. 11.23 *Exemption of minor projects, etc.*—No exemption will be made from payment of annual charges for the use of Government dams or tribal lands within Indian reservations but licenses may be issued without charges other than for such use for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in minor projects.

SEC. 11.24 *Exemption of States and municipalities.*—

A. No State or municipal licensee shall be entitled to exemption from payment of annual charges on the ground that the power generated or transmitted by the licensed project is sold to the public without profit, unless such licensee shall claim such exemption before the expiration of the period allowed for the payment of the annual charges, and shall show—

(1) That it maintains an accounting system which segregates the operations of the licensed project and reflects with reasonable accuracy the cost of power generated by such project;

(2) That the revenues from the sale of power from such licensed project do not exceed the reasonable total amount of the following items:

(*a*) Project operating expenses, including operation, maintenance, depreciation, amortization, taxes, uncollectible revenues and rents;

(*b*) Payments of interest on indebtedness, including indebtedness to municipality or other department thereof, incurred by reason of the construction or operation of the licensed project.

B. When the power from the licensed project enters into the electric power system of the State or municipal licensee, in lieu of meeting the requirements set forth in paragraph A of this section, such licensee may furnish the same information with respect to the properties as a whole within said electric power system and the power produced therein and sold from such system.

C. A State or municipal licensee meeting the requirements of paragraph A of this section shall be entitled to exemption from payment of annual charges to the extent that power generated or transmitted by the licensed project is sold for resale to or interchanged with a corporation not operated for profit.

D. Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph A of this section, it shall be subject to the payment of annual charges to the extent that electric power generated by the licensed project is sold for resale to a corporation operated for profit.

E. Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph A of this section, it shall be

subject to the payment of annual charges to the extent that electric power generated by the licensed project is supplied under an interchange agreement to a person or to a corporation organized for profit, and is not offset by a similar amount of electric power received under such interchange agreement.

F. Application for exemption from payment of annual charges shall be signed by an authorized executive officer of the licensee and verified under oath. An original and three copies of such application and exhibit shall be filed.

SEC. 11.25 *Effective date.*—All annual charges shall commence upon the effective date of the license unless some other date or dates are fixed in the license.

SEC. 11.26 *Adjustment of annual charges.*—All annual charges shall continue in effect as fixed, unless changed as authorized by law.

SEC. 11.27 *Payment of charges.*—Annual charges shall be paid within 30 days from the end of each calendar year or within 30 days of rendition of a bill therefor by the Commission, whichever is later. A penalty will be imposed pursuant to the provisions of the act for delinquency in payment unless otherwise ordered by the Commission.

PART 16

APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON A SPECIFIED DATE

SEC. 16.1 *Contents.*—Each application for a new or annual license for a project already under license which is about to expire shall be submitted at least three months prior to the expiration of license and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise designated, four copies of the application, duly verified under oath, and all accompanying documents shall be submitted.

A. The exact name of the applicant.

B. The license number of the project.

C. The date on which the license expires.

D. If licensee is a corporation, list of the officers and directors.

E. The name, title, and post-office address of the person to whom correspondence in regard to the application shall be addressed.

SEC. 16.2 *Required exhibits.*—There shall be filed with the application, and as a part thereof, a map exhibit J as required under Sec. 4.40 to Sec. 4.42.

SEC. 16.3 *Additional information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

PART 20

AUTHORIZATION OF THE ISSUANCE OF SECURITIES BY LICENSEES AND COMPANIES SUBJECT TO SECTIONS 19 AND 20 OF THE FEDERAL POWER ACT

SEC. 20.1 *Authorization by Commission.*—No licensee of the Commission which is a public-service company and no other company coming within the provisions of section 19 or section 20 of the Federal Power Act shall issue any securities maturing more than one year from the date of issue, without first complying with the provisions of Sec. 34.1 to Sec. 34.10 and securing the approval of the Commission to said issue: *Provided, however*, That, pursuant to sections 19 and 20 of the said act, in case a State in which such licensee or other company included within the provisions of this rule is operating in the public service shall have provided a commission or other agency for the regulation and control of the amount and character of securities to be issued by such licensee or company, or in case the power or any part thereof generated by such licensee shall enter into interstate commerce and the States concerned agree, through their properly constituted authorities, on the amount or character of securities proposed for issuance by any licensee or other company coming within the provisions of section 20 of the said act, approval of the Commission is not required.

PART 24

DECLARATION OF INTENTION

SEC. 24.1 *Filing.*—Each declaration of intention under the provisions of section 23 (b) of the act shall be filed in triplicate in conformity with Sec. 1.80 to Sec. 1.85. The declaration shall give the name and post office address of the person to whom correspondence in regard to it shall be addressed, and shall be accompanied by:

A. A brief description of the proposed project and its purposes, including such data as height of dams, storage capacity of reservoirs, installed capacity of the project, and probable effect on present or prospective navigation;

B. A sketch map (one tracing and two blueprints), of any convenient size and scale, showing the stream or streams to be utilized and the approximate location of the project.

C. Statement of proposed method of operation of project and power interconnections contemplated.

PART 25

APPLICATION FOR VACATION OF WITHDRAWAL AND FOR DETERMINATION PERMITTING RESTORATION TO ENTRY

SEC. 25.1 *Contents of application.*—An application for vacation of a reservation effected by the filing of an application for preliminary permit or license, or for a determination permitting restoration to entry under the provisions of section 24 of the act, of such lands, or lands reserved or classified as power sites, may be filed directly with the Commission at its offices in Washington, D. C., at any of its regional or field representatives' offices, or at local land offices, for forwarding to the Commission. No form is prescribed for such application, but the lands shall be described by legal subdivisions, and the applicant shall present a showing relative to the propriety of restoring such lands and the use to which it is proposed to put the lands if restored to entry.

SEC. 25.2 *Hearings.*—A hearing upon such an application may be ordered by the Commission in its discretion and shall be in accordance with the provisions of Sec. 1.150 to Sec. 1.155.

NOTE 1.—On April 17, 1922, the Commission made the following general determination:

(*a*) That where lands of the United States have heretofore been, or hereafter may be, reserved or classified as power sites, such reservation or classification being made solely because such lands are either occupied by power transmission lines or their occupancy and use for such purposes has been applied for or authorized under appropriate laws of the United States, and such lands have otherwise no value for power purposes, and are not occupied in trespass, the Commission determines that the value of such lands so reserved or classified, or so applied for or authorized, will not be injured or destroyed for the purposes of power development by location, entry, or selection under the public land laws, subject to the reservation of section 24 of the Federal Water Power Act.

(*b*) That when notice is given to the Secretary of the Interior of reservations made under the provisions of section 24 of the Federal Water Power Act, such notice shall indicate what lands so reserved, if any, may, in accordance with the determination of the preceding paragraph, be declared open to location, entry, or selection, subject to the reservation of said section 24. Second Annual Report, page 128.

NOTE 2.—On February 16, 1937, the Commission took the following action:

CONSENT TO ESTABLISHMENT OF GRAZING DISTRICTS, ISSUANCE OF GRAZING PERMITS, AND LEASING FOR GRAZING PURPOSES UNDER THE ACT OF JUNE 28, 1934, AS AMENDED, GOVERNMENT LANDS RESERVED FOR POWER PURPOSES

Upon request under date of November 2, 1936, by the acting director, Division of Grazing, Department of the Interior, for consent of the Commission, pur-

suant to the act of June 28, 1934 (chapter 685, 48 Stat. 1269), to the establishment of grazing districts and the issuance of grazing permits on lands of the United States withdrawn, classified, or otherwise reserved for power purposes, except in those instances where grazing will interfere with such purposes; and

Upon request under date of December 7, 1936, by the Acting Secretary of the Interior, for consent of the Commission, pursuant to the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), to the leasing under section 15 of said act as amended, of isolated tracts of lands of the United States, withdrawn for power purposes;

The Commission upon consideration of the matter finds and determines: That the establishment of grazing districts, the issuance of grazing permits, and the leasing for grazing purposes, under said act as amended, of lands of the United States theretofore or thereafter withdrawn, classified, or otherwise reserved for power purposes, but not including lands embraced within the project area of any power project theretofore licensed by the Commission or otherwise authorized by the United States, will not injure or destroy the value of such lands for the purposes of power development nor otherwise abridge the jurisdiction of the Commission; *Provided*, That such grazing districts shall be established and such permits and leases for grazing permits issued subject to the following conditions:

(1) That the establishment of the grazing district or the issuance of the grazing permit or lease for grazing purposes shall in no wise diminish or affect the jurisdiction of the Commission at any time to issue permits or licenses pursuant to the provisions of the Federal Power Act; and that the issuance by the Commission of a license shall immediately and automatically terminate such grazing district, permit, or lease for grazing purposes as to all lands within the project area described in such license;

(2) That the establishment of the grazing district or the issuance of the grazing permit or lease for grazing purposes involving lands withdrawn for power purposes shall in no wise diminish or affect the jurisdiction of the Commission at any time to make further determinations that the value of any of such lands for the purposes of power development will not be injured or destroyed by location, entry or selection, as provided by section 24 of the act, and none of such lands shall be declared open, otherwise than as hereinbefore provided, to location, entry or selection except upon such further determination by the Commission; and any such further determination shall immediately and automatically terminate such grazing district, permit, or lease for grazing purposes as to any lands involved in such further determination.

Now, therefore, the Commission consents to the establishment of such grazing districts and the issuance of grazing permits and leases for grazing purposes of lands of the United States reserved for power purposes subject to the conditions hereinabove set out;

Provided, however, That this determination and consent shall be effective for lands embraced within grazing districts, as of the date of the establishment of such districts, and for isolated tracts of lands leased for grazing purposes, it shall be in effect when such leases are issued, provided that notice thereof is received by this Commission from the General Land Office, Department of the Interior, within 30 days thereafter, such notice to include full legal description of the lands withdrawn for power purposes which are involved.

PART 32

INTERCONNECTION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRY

Application for an order directing the establishment of physical connection of facilities.

SEC. 32.1 *Contents of application.*—Every application under section 202 (b) of the act shall set forth the following information:

A. The exact legal name of the applicant and of all persons named as parties in the application.

B. The name, title, and post office address of the person to whom correspondence in regard to the application shall be addressed.

C. The person named in the application who is a public utility subject to the act.

D. The State or States in which each electric utility named in the application operates, together with a brief description of the business of and territory, by counties and States, served by such utility.

E. Description of the proposed interconnection, showing proposed location, capacity and type of construction.

F. Reasons why the proposed connection of facilities will be in the public interest.

G. What steps, if any, have been taken to secure voluntary interconnection under the provisions of section 202 (a) of the act.

SEC. 32.2 *Required exhibits.*—There shall be filed with the application and as a part thereof the following exhibits:

Exhibit A.—Statement of the estimated capital cost of all facilities required to establish the connection, and the estimated annual cost of operating such facilities.

Exhibit B.—A general or key map on a scale not greater than 20 miles to the inch showing, in separate colors, the territory served by each utility, and the location of the facilities used for the generation and transmission of electric energy, indicating on said map the points between which connection may be established most economically.

SEC. 32.3 *Other information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 32.4 *Form and style; number of copies.*—An application under this rule must conform to the requirements of Sec. 1.80 to Sec. 1.94, except that five copies of the application and exhibits or other papers filed are required.

Application for emergency connections of facilities.

SEC. 32.20 *Definition of emergency.*—"Emergency", as used in section 202 (*d*) of the Federal Power Act, is defined to mean the failure of facilities for the generation or transmission of electric

energy caused by breakdown, weather conditions, acts of God, or other unforeseen occurrences, not reasonably within the power of the utility affected to prevent, resulting in the cutting off or curtailment of the electric service, or rendering such utility unable to provide adequate service for its customers.

SEC. 32.21 *Reports of temporary connections.*—When, due to an emergency as defined in this rule, any temporary connection of transmission facilities is made, all persons whose transmission facilities are thus temporarily interconnected shall give written notice in triplicate thereof to the Commission within 15 days from the date when such temporary connection was made, and state in said notice the reason for such temporary connection, and the location and character of each interconnection. Likewise, a written notice in triplicate shall be given by such parties to the Commission of the fact and date of discontinuance of such temporary connection within 15 days after such discontinuance. In cases where temporary connections are continued for more than 10 days, or temporary reconnections are made, reports in triplicate shall thereafter be made to the Commission at the end of each week as to—

A. The location and character of each interconnection being maintained.

B. The amount of electrical energy received and transmitted over each interconnection during each day of the week, and the consideration received or paid therefor.

C. What steps have been taken or are being taken to relieve the conditions that made the emergency connection necessary.

Every such temporary emergency connection shall be discontinued and all such temporary construction removed or otherwise disposed of, upon the termination of the emergency, unless application is made as hereinafter provided for permanent connection for emergency use.

SEC. 32.22 *Application for permanent connection for emergency use.*—Application for Commission approval of a permanent connection for emergency use only shall conform with the requirements of Sec. 32.1 to Sec. 32.4, and, in addition, shall state in full the reasons why such permanent connection for emergency use is necessary in the public interest.

SEC. 32.23 *Reports of emergency use of permanent connections.*—Where the Commission has authorized permanent connection for emergency use only, weekly reports shall be made to the Commission of any emergency use of such facilities showing—

A. The location of each interconnection in service.

B. The date such use commenced and ended.

C. Full facts and details making the use of the interconnection necessary.

D. The amount of electrical energy received and transmitted over each interconnection during each day of the week, and the consideration received or paid therefor.

E. What steps have been taken or are being taken to relieve the condition that made the emergency use of the connection necessary.

SEC. 32.24 *Form and style; number of copies.*—Applications under this rule shall conform to the requirements of Sec. 1.80 to Sec. 1.94.

Application for authorization to transmit electric energy to a foreign country.

SEC. 32.30 *Who shall apply.*—The owner of a source of supply of electric energy who proposes to transmit any portion of such energy from the United States to a foreign country or who has entered or proposes to enter into a contract for the sale of electric energy to be so transmitted, and the transmitter thereof, are necessary parties to an application for the authorization sought under this rule.

SEC. 32.31 *Time of filing.*—Each application shall be made at least 30 days in advance of the proposed transmission, except where otherwise ordered by the Commission for good cause shown, and the original application shall be signed and verified under oath by an executive officer or officers of the applicant or applicants having knowledge of the matters therein set forth.

SEC. 32.32 *Contents of application.*—Every application shall set forth in the order indicated the following:

A. The exact legal name of the applicant.

B. The name, title, and post-office address of the person to whom correspondence in regard to the application shall be addressed.

C. The State or Territory under the laws of which the applicant was organized. If incorporated under the laws of, or authorized to operate in more than one State, all pertinent facts should be included.

D. The name of the purchaser of the energy, its proposed use in the foreign country, and the rates proposed to be charged to the foreign purchaser together with rates charged by the applicant for similar service if rendered in the United States.

E. A statement of the source, amount, and nature of the energy to be so transmitted, the point of delivery, voltage, phase, and frequency, and the facilities to be used both in the generation and transmission of such energy.

F. The amount of electric energy transmitted into the United States from a foreign country by the applicant, its source and nature, how and where it is used, and the rates paid for such energy.

G. Statement of the reasons why the proposed transmission would not impair the sufficiency of electric supply within the United States and would not impede or tend to impede the coordination in the

public interest of facilities subject to the jurisdiction of the Commission.

SEC. 32.33 *Required exhibits.*—There shall be filed with the application and as a part thereof the following exhibits:

Exhibit A.—Copy of agreement under which the energy is to be transmitted and all other written instruments pertaining thereto. (Every agreement entered into in the future shall contain a provision that in case of war or other emergency, as provided in section 202 of the act, the same is terminable upon the order of the Commission.)

Exhibit B.—A showing, including signed opinion of counsel, that such transmission of energy is within the corporate powers of the applicant, and that the applicant has complied with State laws.

Exhibit C.—A general or key map on a scale not greater than 20 miles to the inch, showing the location of the facilities used for the generation and transmission of electric energy to be transmitted. Whenever possible, this map should not be over 30 inches in its largest dimension.

Exhibit D.—Where an applicant resides or has its principal office without the United States, such applicant shall designate by irrevocable power of attorney an agent residing within the United States upon whom service of notice and process with respect to transmission of electric energy may be had; copies of such power of attorney shall be furnished, one of which shall be verified.

SEC. 32.34 *Other information; exceptions.*—Where the application is for authority to export less than 1,000,000 kilowatt-hours annually, applicants need not furnish the information called for in Sec. 32.32, paragraph E, and Sec. 32.33, exhibit C. The applicant shall be prepared within two weeks after filing the application to furnish such additional information as the Commission may deem pertinent.

SEC. 32.35 *Transferability.*—Authorizations granted pursuant to section 202 (*e*) of the act shall not be transferable or assignable except with the prior approval of the Commission upon application made in conformity with these rules of the Commission: *Provided*, That any person acquiring by involuntary transfer (including receivers, trustees, or purchasers under foreclosure or judicial sale) the facilities of a person who has made an application upon which authorization has been granted may continue such transmission subject to the terms and conditions of such authorization, if notice of such transfer is promptly given to the Commission in writing accompanied by a statement that the physical facts relating to sufficiency of supply, rates, and nature of use are substantially the same as stated in the initial application for such authorization.

SEC. 32.36 *Authorization not exclusive.*—No authorization granted pursuant to section 202 (*e*) of the Act shall be deemed to prevent authorization being granted to any other person to transmit electric energy for the same use, or to prevent any other person from making application for such authorization.

SEC. 32.37 *Form and style; number of copies.*—Applications under this rule shall comply with Sec. 1.80 to Sec. 1.94.

SEC. 32.38 *Filing rate schedules and annual reports.*—Persons authorized to transmit electric energy from the United States shall file all rate schedules, supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence with respect to such energy in the form and manner specified in the provisions of Sec. 35.1 to Sec. 35.12.

PART 33

APPLICATION FOR SALE, LEASE, OR OTHER DISPOSITION, MERGER OR CONSOLIDATION OF FACILITIES, OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY

SEC. 33.1 *Applicability.*—The requirements of this rule will apply to public utilities seeking authority under section 203 of the Federal Power Act.

SEC. 33.2 *Contents of application.*—Each such applicant shall set forth in its application to the Commission, in the manner and form and in the order indicated, the following information which should, insofar as possible, be furnished as to said applicant and each company whose facilities or securities are involved:

A. The exact name and the address of the principal business office.

B. The State or other sovereign power under which incorporated, the respective dates of incorporation, and the States in which domesticated.

C. Name and address of the person authorized to receive notices and communications in respect to application.

D. The names, titles, and addresses of the principal officers.

E. A description of the general character of the business done and to be done, together with a designation of the territories served, by counties and States.

F. A general statement briefly describing the facilities owned or operated for transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce.

G. A brief reference to any license from the Federal Power Commission.

H. A statement as of the date of the balance sheet submitted with application showing for each class and series of capital stock:

(1) Brief description.

(2) The amount authorized (face value and number of shares).

(3) The amount outstanding (exclusive of any amount held in the treasury).
(4) Amount held as reacquired securities.
(5) Amount pledged.
(6) Amount owned by affiliated corporations.
(7) Amount held in any fund.

I. A statement as of the date of the balance sheet submitted with application showing for each class and series of funded debt:

(1) Brief description.
(2) The amount authorized.
(3) The amount outstanding (exclusive of any amount held in the treasury).
(4) Amount held as reacquired securities.
(5) Amount pledged.
(6) Amount owned by affiliated corporations.
(7) Amount in sinking and other funds.

J. Whether the application is for disposition of facilities by sale, lease, or otherwise, a merger or consolidation of facilities, or for purchase or acquisition of securities of a public utility, also a description of the consideration, if any, and the method of arriving at the amount thereof.

K. A statement of facilities to be disposed of, consolidated, or merged, giving a description of their present use and of their proposed use after disposition, consolidation, or merger. State whether the proposed disposition of facilities or plan for consolidation or merger includes all the operating facilities of the parties to the transaction.

L. A statement of the book cost and original cost, if known, of the facilities involved, in the case of the sale, lease, or other disposition of, or merger or consolidation of facilities. If the value of such facilities has been fixed or found by a court or commission, such value should also be shown together with the amounts of additions, retirements, adjustments, etc., from date of valuation to date of the balance sheet (see Sec. 200.40) accompanying the application.

If original cost is not known, an estimate of original cost based, insofar as possible, upon records or data of the applicant or its predecessors must be furnished, together with a full explanation of the manner in which such estimate has been made, and a description and statement of the present custody of all existing pertinent data and records. A statement showing the cost of all additions and betterments, and retirements from the date as of which the original cost is shown should also be furnished.

M. A statement as to the effect of the proposed transaction upon any contract for the purchase, sale, or interchange of electric energy.

N. Names and addresses of counsel who have passed upon the legality of the proposed sale, lease or other disposition of facilities, or merger or consolidation of facilities, or purchase or acquisition of securities of a public utility, and names and addresses of any firms of which they, or any of them, are members.

O. A statement as to whether or not any application with respect to the transaction or any part thereof is required to be filed with any other Federal or State regulatory body.

P. The facts relied upon by applicants to show that the proposed disposition, merger, or consolidation of facilities or acquisition of securities will be consistent with the public interest.

Q. A brief statement of franchises held, showing date of expiration if not perpetual.

SEC. 33.3 *Required exhibits.*—There shall be filed with the application as part thereof one certified copy and five uncertified copies of exhibits A, B, C, and D, and one certified copy and five uncertified copies plus one for each State affected of exhibits E, F, G, H, I, J, K, L, and M, described as follows:

Exhibit A.—A copy of the charter or articles of incorporation with amendments to date.

Exhibit B.—A copy of the by-laws with amendments to date.

Exhibit C.—Copies of all resolutions of directors authorizing the proposed disposition, merger, or consolidation of facilities, or acquisition of securities, in respect to which the application is made, and, if approval of stockholders has been obtained, copies of the resolutions of the stockholders should also be furnished.

Exhibit D.—Copies of all mortgages, trusts, deeds, or indentures, securing any obligation of each party to the transaction.

Exhibit E.—A signed copy of opinion of counsel in respect to legality of the proposed transaction.

Exhibit F.—A statement of the measure of control or ownership exercised by or over each party to the transaction as to any public utility, or bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or any company supplying electric equipment to such party. Where there are any intercorporate relationships through holding companies, ownership of securities or otherwise, the nature and extent of such relationship; also state whether any of the parties to the transaction have officers or directors in common. If not a member of any holding company system, include a statement to that effect.

Exhibit G.—Balance sheets with supporting fixed capital or plant schedules in conformity with Sec. 200.40 and Sec. 200.41.

Exhibit H.—A statement of all known contingent liabilities except minor items such as damage claims and similar items involving relatively small amounts, as of the date of the application.

Exhibit I.—Comparative income statements in conformity with Sec. 200.42.

Exhibit J.—An analysis of surplus for the period covered by the income statements referred to in exhibit I, above.

Exhibit K.—A copy of each application and exhibit filed with any other Federal or State regulatory body in connection with the proposed transaction, and if action has been taken thereon, a certified copy of each order relating thereto.

Exhibit L.—A copy of all contracts in respect to the sale, lease, or other proposed disposition, merger or consolidation of facilities, or purchase of securities, as the case may be, together with copies of all other written instruments entered into or proposed to be entered into by the parties to the transaction pertaining thereto.

Exhibit M.—A general or key map on a scale of not more than 20 miles to the inch showing in separate colors the properties of each party to the transaction, and distinguishing such parts of them as are included in the proposed disposition, consolidation or merger. The map should also clearly indicate all interconnections and the principal cities of the area served. Whenever possible, the map should not be over 30 inches in its largest dimension.

NOTE.—If exhibits A, B, and D have previously been filed with the Commission, a specific reference thereto will be accepted in lieu of a separate filing in each subsequent proceeding.

SEC. 33.4 *Additional information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 33.5 *Form and style.*—Applications under this rule shall conform to the requirements of Sec. 1.80 to Sec. 1.85.

SEC. 33.6 *Number of copies.*—An original and five copies, plus one copy for each State affected, of applications under this rule (Sec. 33.1 to Sec. 33.10) shall be submitted.

SEC. 33.7 *Verification.*—The original application shall be signed by a person or persons having authority with respect thereto and having knowledge of the matters therein set forth, and shall be verified under oath.

SEC. 33.8 *Reports.*—Upon the granting of any application under this rule by the Commission, applicants shall report to the Commission under oath within 10 days after any sale, lease, or other disposition of facilities, merger or consolidation of facilities, or purchase or acquisition of securities of a public utility, the fact of such sale, lease, or other disposition of facilities, merger or consolidation of facilities, or purchase or acquisition of securities, and the terms and conditions thereof.

SEC. 33.9 *Public notice.*—The Commission may require the applicant to give such local notice by publication as the Commission in its discretion may deem proper.

SEC. 33.10 *Commission action.*—Application under this rule will ordinarily require 45 days after the date of filing before final action can be taken thereon by the Commission, to allow for such preliminary study, investigation, public notice, opportunity for hearing, and consideration by the Commission, as may be appropriate in the premises.

PART 34

APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

SEC. 34.1 *Applicability.*—The requirements of this section will apply to licensees seeking authority under sections 19 and 20 and to public utilities seeking authority under section 204 of the Federal Power Act.

SEC. 34.2 *Contents of application.*—Every such applicant shall set forth in its application to the Commission, in the manner and form and in the order indicated, the following information which, in the case of the assumption of a liability, shall be furnished as to both the issuer and the person assuming liability:

A. The exact name of the applicant and address of its principal business office.

B. The State or other sovereign power under which incorporated, the date of incorporation, and the States in which domesticated.

C. Name and address of person authorized to receive notices and communications in respect to application.

D. The names, titles, and addresses of the principal officers of the applicant.

E. A description of the general character of the business done and to be done, together with a designation of the territories served. A map showing the territories served is desirable.

F. A general statement briefly describing the facilities owned or operated by the applicant for transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce.

G. A brief reference to any license held by the applicant from the Federal Power Commission.

633267—45——5

H. A statement as of the date of the balance sheet submitted with application showing for each class and series of capital stock:

(1) Brief description.
(2) The amount authorized (face value and number of shares).
(3) The amount outstanding (exclusive of any amount held in the treasury).
(4) Amount held as reacquired securities.
(5) Amount pledged by applicant.
(6) Amount owned by affiliated corporations.
(7) Amount held in any fund.

I. A statement as of the date of the balance sheet submitted with application showing for each class and series of funded debt:

(1) Brief description.
(2) The amount authorized.
(3) The amount outstanding (exclusive of any amount held in the treasury).
(4) Amount held as reacquired securities.
(5) Amount pledged by applicant.
(6) Amount owned by affiliated corporations.
(7) Amount in sinking and other funds.

J. A full description of the securities proposed to be issued or the liabilities to be assumed, showing—

(1) Kind and nature of securities or liabilities.
(2) Amount (face value and number of shares).
(3) Interest or dividend rate, if any.
(4) Date of issue and date of maturity.
(5) Voting privileges, if any.

K. The respective name and address of each known underwriter and the respective amount underwritten. State affiliation, direct or indirect, through common directors, officers or stockholders, or through ownership of securities or otherwise, existing between applicant and any underwriter.

L. A statement showing both in total amount and per unit the price to the public, underwriting commissions, and net proceeds to the applicant. Supply also the information (estimated, if necessary) required in Sec. 200.43. If the securities are to be issued directly for property, then a full description of the property to be acquired, its location, its original cost (if known) and fair value by accounts, and a statement as to who determined the fair value, together with the identification of the person from whom the property is to be acquired.

If original cost is not known, an estimate of original cost based, insofar as possible, upon records or data of the applicant or its predecessors must be furnished, together with a full explanation of the manner in which such estimate has been made, and a description and statement of the present custody of all existing pertinent data and records. A statement showing the cost of all additions and betterments and retirements, from the date as of which the original cost is shown should also be furnished.

M. Purposes for which the securities are to be issued. If the purpose is the construction, completion, extension, or improvement of facilities, a description of such facilities and the cost thereof in reasonable detail shall be submitted. If the purpose is the reimbursement of the treasury of the applicant for expenditures against which securities have not been issued, a statement must be submitted giving a general description of such expenditures, the amounts and accounts to which charged, the associated credits, if any, and the periods during which the expenditures were made. If the purpose is the refunding of obligations, a full description of the obligations to be refunded, including the character, principal amounts, discount or premium applicable thereto, date of issue and date of maturity, and all other material facts concerning such obligations must be given.

N. Name and address of counsel who have passed upon the legality of the proposed issue or assumption of liability, and names and addresses of any firms of which they, or any of them, are members.

O. A statement as to whether or not any application, registration statement, etc., with respect to the transaction or any part thereof is required to be filed with any other Federal or State regulatory body.

P. The facts relied upon by the applicant to show that the issue or assumption (*a*) is for some lawful object within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant of service as a public utility and which will not impair its ability to perform that service, and (*b*) is reasonably necessary or appropriate for such purposes.

Q. A brief statement of all rights to be a corporation, franchises, permits, and contracts for consolidation, merger, or lease included as assets of the applicant or any predecessor thereof, the amounts actually paid as consideration therefor, respectively, and the facts relied upon to show that the issuance of the securities for which approval is requested will not result in the capitalization of the right to be a corporation or of any franchise, permit or contract for consolidation, merger, or lease in excess of the amount (exclusive of any tax or annual charge) actually paid as the consideration for such right, franchise, permit or contract.

SEC. 34.3 *Required exhibits.*—There shall be filed with the application as part thereof one certified copy and five uncertified copies of

exhibits A, B, C, and D, and one certified copy and five uncertified copies plus one for each State affected of exhibits E, F, G, H, I, J, K, and L, described as follows:

Exhibit A.—A copy of the applicant's charter or articles of incorporation with amendments to date.

Exhibit B.—A copy of the by-laws with amendments to date.

Exhibit C.—Copies of all resolutions of directors authorizing the issue or assumption of liability in respect to which the application is made and, if approval of stockholders has been obtained, copies of the resolution of the stockholders should also be furnished.

Exhibit D.—Copies of mortgage, indenture, or other agreement under which it is proposed to issue the securities, also, a copy of any mortgage, indenture, or other agreement securing other funded obligations of the applicant.

Exhibit E.—A signed copy of opinion of counsel in respect to legality of the issue of assumption of liability.

Exhibit F.—A statement of the measure of control or ownership exercised by or over the applicant as to any public utility, or bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or any company supplying electric equipment to such applicant. Where there are any intercorporate relationships through holding companies, ownership of securities or otherwise, the nature and extent of such relationship. If not a member of any holding company system include a statement to that effect.

Exhibit G.—Balance sheets with supporting fixed capital or plant schedules in conformity with the forms in Sec. 200.40 and Sec. 200.41.

Exhibit H.—A statement of all known contingent liabilities except minor items such as damage claims and similar items involving relatively small amounts, as of the date of the application.

Exhibit I.—Comparative income statements in conformity with the form in Sec. 200.42.

Exhibit J.—An analysis of surplus for the period covered by the income statements referred to in exhibit I, above.

Exhibit K.—(1) A copy of registration statement proper, if any, and financial exhibits made a part thereof, filed with the Securities and Exchange Commission; (2) A copy of each application and exhibit filed with any State regulatory body in connection with the proposed transaction and if action has been taken thereon a certified copy of each order relating thereto.

NOTE.—The information required by exhibit K shall be filed as soon as available.

Exhibit L.—A copy of all contracts, underwritings, and other arrangements providing for the sale or marketing of the securities. If

such contracts, etc., are not in such final form as to permit filing, an identification of the parties thereto and proposed major terms thereof should be submitted.

NOTE.—If exhibits A, B, and D have previously been filed with the Commission, a specific reference thereto will be accepted in lieu of a separate filing in each subsequent proceeding.

SEC. 34.4 *Additional information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 34.5 *Form and style.*—Applications under this rule shall conform to the requirements of Sec. 1.80 to Sec. 1.85.

SEC. 34.6 *Number of copies.*—An original and five copies, plus one copy for each State affected, of applications under this rule shall be submitted.

SEC. 34.7 *Verification.*—The original application shall be signed by a person having authority with respect thereto and having knowledge of the matters therein set forth, and shall be verified under oath.

SEC. 34.8 *Reports.*—Upon the granting of any application under this rule by the Commission, the applicant shall report to the Commission under oath, within 10 days after any such issue or assumption of liability, the fact of such issue or assumption of liability, the terms and conditions thereof and any amount realized from such issue. The applicant shall further make reports within 15 days after every June 30 and every December 31 showing for the six-month period ended on the above dates the proceeds realized from the sale, and the disposition of any money to be realized, until the entire proceeds shall have been accounted for. A report in the form outlined in Sec. 200.43 showing the face value, the proceeds and expenses (itemized) of the issue shall be made at the earliest practicable date.

SEC. 34.9 *Commission action.*—Application under this rule will ordinarily require 30 days after the date of filing before final action can be taken thereon by the Commission, to allow for such preliminary study, investigation, public notice, opportunity for hearing, and consideration by the Commission, as may be appropriate in the premises.

SEC. 34.10 *Publicity.*—In any document, prospectus, or publicity relating to the offering or sale of securities hereunder, any reference to the authorization by the Commission of the issuance of such securities shall include a qualifying statement to the effect that the Commission's authorization was subject to the provision that such authorization shall not be construed to imply any guarantee or obligation on the part of the United States in respect of such securities.

Certificate of notification.

SEC. 34.20 *Time of filing.*—The facts relating to any transaction to which section 204 (e) of the act is applicable shall be reported

to the Commission within 10 days after the date of such transaction in accordance with Sec. 200.50.

SEC. 34.21 *Additional information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 34.22 *Form and style.*—Certificates under this rule shall conform to the requirements of Sec. 1.80 to Sec. 1.85.

SEC. 34.23 *Number of copies.*—An original and five copies, plus one copy for each State affected, of certificates under this rule shall be submitted.

SEC. 34.24 *Verification.*—The original certificate shall be signed by a person or persons having authority with respect thereto and having knowledge of the matters therein set forth, and shall be verified under oath.

PART 35

FILING OF RATE SCHEDULES

SEC. 35.1 *Definition.*—The term "rate schedule" as used herein shall include and mean any contract, agreement, lease of facilities or other writing, including supplements thereto, which specifies or affects the rates and charges to be assessed or collected for the transmission or sale of electric energy subject to the jurisdiction of the Commission, or which establishes any rule, regulation, classification, or practice affecting such rates and charges or the service rendered or to be rendered.

SEC. 35.2 *Effective rates and charges.*—No public utility shall directly or indirectly demand, collect, or receive, for the transmission or sale of electric energy subject to the jurisdiction of the Commission, or for the lease or utilization of any facilities subject to the jurisdiction of the Commission, any rate or charge different from that prescribed in its rate schedule or schedules actually on file with the Commission, unless the Commission shall, for good cause shown, otherwise provide by order.

SEC. 35.3 *Filing of rate schedules, rates, charges, etc.*—

A. *Obligation to file.*—Every public utility shall post and file with the Commission full and complete rate schedules clearly and specifically setting forth all rates and charges for any transmission or sale of electric energy, the classification, practices and regulations affecting such rates, and all contracts which affect or relate to such rates, charges, classifications, or services as required by section 205 (c) of the Federal Power Act. Where two or more public utilities are parties to the same rate schedule, each public utility furnishing service, transmitting, selling, pooling or interchanging electric energy

shall post and file such rate schedule, or the rate schedule may be filed by one such public utility and all other parties having an obligation to file may post and file a certificate of concurrence on the form indicated in Sec. 200.52.

B. *Newly established rates, charges, etc.*—Unless otherwise provided by order of the Commission, every rate or charge for the transmission or sale of electric energy subject to the jurisdiction of the Commission, as well as any classification, practice, or regulation affecting such rate or charge and any contract or agreement which affects or relates to such rate, charge, classification, regulation or service which has not theretofore been in effect, shall be posted and filed with the Commission not less than ten days prior to the date upon which it is to become effective.

C. *Changes in filed rates, charges, etc.*—All rate schedules making a change in any rate, charge, classification, or service, on file with the Commission, or in any rule, regulation or contract relating thereto shall be posted and filed with the Commission not less than 30 days prior to the proposed effective date thereof, unless a shorter period of time is authorized by the Commission; and as to each proposed change there shall be submitted to the Commission—

(1) A statement outlining the reasons for the proposed change and the desirability thereof;

(2) Pertinent data supporting the statements in (1) above, and

(3) An estimate of the probable sales and revenue under the rate after the proposed change becomes effective for a period of 12 months thereafter.

D. *Changes in rate schedules to be indicated.*—All rate schedules making a change in any existing rate schedule on file with the Commission shall state plainly the change, or changes, to be made. The following symbols, which shall appear in the margin opposite each paragraph, shall be used to indicate changes in the superseding rate schedule.

O=No Change.

C=Change.

N=New Provision.

E. *Rates, charges, etc., made effective prior to date of filing upon order of the Commission.*—For good cause shown and upon application duly made at the time of filing, the Commission may by order provide that any rate schedule, charge, classification or service, or rule, regulation, practice, or contract relating thereto, shall be effective as of a date prior to the date of filing.

SEC. 35.4 *Identification and numbering of rate schedules.*—

A. Every rate schedule filed will be numbered in the office of the Commission and the filing public utility advised of the Rate Schedule

FPC number. Whenever a rate schedule offered for filing, changes, alters or modifies any rate, charge, classification, or service, or any rule, regulation or contract relating thereto or provides additionally for a rate, charge, classification or service, or any rule, regulation, or contract relating thereto, but is dependent upon and amendatory of an existing rate schedule, it will be designated as a supplement to the existing rate schedule and will be so numbered.

B. Every rate schedule offered for filing with the Commission under this rule shall show on a title page, *which shall be otherwise blank*, (1) the name of the filing utility, (2) the names of other utilities receiving or rendering service under the rate schedule, and (3) a brief description of the service to be provided thereunder.

SEC. 35.5 *Notice of cancellation.*—When a rate schedule, rate, charge, classification, or service, or any rule, regulation, or contract relating thereto and on file with the Commission is proposed to be cancelled and no new rate schedule is filed in its place, except as hereinafter provided, each public utility required to file the schedule shall formally notify the Commission of the proposed cancellation on the form indicated in Sec. 200.53 at least 30 days prior to the proposed effective date of such cancellation; and shall therewith submit a statement showing the reasons therefor and that notice has been served upon each utility that is a party to the rate schedule. A copy of such notice to the Commission shall be duly posted. For good cause shown, the Commission may permit notice of cancellation to be filed within less than 30 days of the proposed effective date thereof.

SEC. 35.6 *Notice of succession.*—Whenever, the name of a public utility is changed, or its operating control is transferred to another public utility in whole or in part, or a receiver or trustee is appointed to operate any public utility, the exact name of the public utility, receiver, or trustee which will operate the property thereafter shall be filed within 30 days thereafter with the Commission on the form indicated in Sec. 200.51.

SEC. 35.7 *Rates established by order of the Commission.*—Every rate schedule filed to make effective the rates, charges, classifications or services or any rule or regulation relating thereto, established in conformity with an order of the Commission shall bear the following additional notation on the title page, e. g.:

Issued in Compliance with an Order
of the Federal Power Commission
Docket No.----------
Entered-------day of----------

SEC. 35.8 *Posting for public inspection.*—A true copy of every rate schedule required to be filed with the Commission shall be posted

by each public utility, not later than the date of filing with the Commission, by keeping such rate schedules open and available for public inspection in a convenient form and place, during ordinary business hours at its principal and district or division offices in the territory served.

SEC. 35.9 *Protests and complaints against rate changes.*—Every protest and complaint concerning any rate, charge, classification or service, or any rule, regulation or contract relating thereto may be filed at any time prior to the date upon which such rate, charge, classification or service, or rule, regulation, or contract relating thereto is proposed to become effective.

SEC. 35.10 *Number of copies of rate schedules to be supplied.*—Six copies of every rate schedule, certificate of concurrence, notice of succession in ownership or operation, and notice of cancellation submitted for filing must be supplied to the Commission. All copies are to be included in one package, together with a letter of transmittal listing all rate schedules included, and addressed to the Federal Power Commission, Washington, D. C.

SEC. 35.11 *Form and style of rate schedules.*—All rate schedules filed under this rule must be printed, or if printed copies are not available, must be typewritten on paper 8½ inches wide by 11 inches long. Photostatic copies on white paper, in lieu of written or printed copies, may be filed. All copies must be clear and legible and complete as to signatures, dates, and other essential data. The Commission reserves the right to reject any rate schedule that does not meet the requirements of this section.

SEC. 35.12 *Filing date.*—By filing date is meant the date on which a rate schedule submitted by a public utility is received in the office of the Secretary of the Commission, unless rejected by the Commission for failure to comply with provisions of these rules of practice and regulations.

Licensee to File All Contracts, Agreements, Rate Schedules, Etc., Relating to the Sale at Wholesale (as specified in this section) of Electric Energy or Mechanical Horsepower

SEC. 35.20. Every licensee shall file with the Commission a full and complete copy of every rate schedule, tariff, contract, or agreement, and all supplements thereto, providing for the sale at wholesale (whether for consumption, resale, or any other use whatsoever by the purchaser) of electric energy or mechanical horsepower generated or developed through the facilities of the licensed project: *Provided, however*, that rate schedules, contracts, agreements, etc., filed pursuant to the provisions of Section 35.3 need not be filed additionally under the requirements of this section.

PART 39

COOPERATIVE PROCEDURE WITH STATE COMMISSIONS

NOTE.—Section 209 of the Federal Power Act authorizes cooperation between the Federal Power Commission and the State commissions of the several States in the administration of said act. Subsection (a) authorizes the reference of any matter arising in the administration of Part II of the act to a board to be composed of a member or members from the State or States affected or to be affected by particular matters pending before the Federal Power Commission. Subsection (b) authorizes conferences with State commissions regarding the relationship between rate structures, costs, accounts, charges, practices, classifications, and regulations of public utilities subject to the jurisdiction of such State commissions and of the Federal Power Commission, and joint hearings with State commissions in connection with any matter with respect to which the Federal Power Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Power Commission. It is understood, therefore, that the Federal Power Commission or any State commission will freely suggest cooperation with respect to any proceeding or matter affecting any public utility subject to the jurisdiction of said Federal Power Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

SEC. 39.1 *Notice of institution of proceeding.*—

A. Whenever there shall be instituted before the Federal Power Commission any proceeding under Part II of the Federal Power Act, the State commission or commissions of the State or States affected thereby will be notified immediately thereof by the Federal Power Commission, and each notice given a State commission will request such commission, if it deems the proceeding one which should be considered under the cooperative provisions of the act, to notify the Federal Power Commission as to the nature of its interest in said matter, and to request a conference, the creation of a board, or a joint hearing, if desired, indicating its preference and the reasons therefor.

B. Upon the receipt of such request the Federal Power Commission will consider the same, and may confer with the Commission making the request and with other interested commissions, if any, in such manner as may be most suitable and, if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission.

C. Each State commission should in like manner notify the Federal Power Commission of any proceeding instituted before it, the subject matter of which is also subject to the jurisdiction of the Federal Power Commission.

SEC. 39.2 *Procedure governing joint conferences.*—The Federal Power Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Power Commission will promptly arrange for a conference in which all interested State commissions will be invited to be represented.

SEC. 39.3 *Procedure governing matters referred to a board.*—Whenever the Federal Power Commission, either upon its own motion or upon the suggestion of a State commission or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of Part II of the Federal Power Act to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Power Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board. Whenever more than one State is involved, the representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member or members of any board have been nominated and appointed in accordance with the provisions of the Federal Power Act, the Federal Power Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, the manner in which its proceedings shall be conducted, and specify the allowances to be made for the expenses of the members of the board. The rules of practice and

procedure, as from time to time adopted or prescribed by the Federal Power Commission, shall govern such board, as far as applicable. The board shall have authority to adjourn the hearing from day to day, subpoena witnesses, rule on the relevancy, competency, and materiality of evidence, and, after hearing all interested parties, submit its recommendations to the Federal Power Commission, together with its findings of fact and conclusions of law.

SEC. 39.4 *Procedure governing joint hearings.*—Whenever the Federal Power Commission, either upon its own motion or at the suggestion of any interested State commission, shall determine that a joint hearing is desirable in connection with any matter pending before the Federal Power Commission in which it is authorized to act, the procedure shall be as follows:

A. The Federal Power Commission will send a request to each interested State commission to name a specified number of members or representatives to sit with said Federal Power Commission or its member or representative in the joint hearing of said matter. Where more than one State is affected, the representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation, except that in cases where the number of States affected makes it impracticable for each State to be represented, the commissions of such States will be requested to name a representative committee not exceeding five in number to sit with the Federal Power Commission or its member or representative in the joint hearing of such matter. Where the joint hearing is upon a matter concerning which a proceeding is pending before a State commission in which action can be taken by said State commission, a joint record will be made.

B. Joint hearings will be followed by a conference to consider the facts developed of record, so as to provide opportunity for an exchange of views before final determination of the subject matter of the proceeding. Where a satisfactory exchange of views at such time proves impracticable, the State representative or representatives shall be afforded subsequent opportunity therefor in such manner as may be convenient.

C. When joint hearings are held, the rules of practice and procedure as from time to time adopted or prescribed by the Federal Power Commission shall govern, as far as applicable. The Federal Power Commission shall have authority to set the time and place of the hearing, subpoena witnesses, rule on the relevancy, competency, and materiality of evidence, and control in all other respects the conduct of such hearings.

SEC. 39.5 *Special procedure may be prescribed in each case.*—The foregoing sections of this rule are a general outline of procedure to be followed with respect to cooperation with State commissions under section 209 of the Federal Power Act. In any particular case, an order may be entered setting forth the manner in which said proceeding shall be conducted.

PART 41

ACCOUNTS, RECORDS, AND MEMORANDA

Adjustment of accounts and reports.

SEC. 41.1 *Notice of deficiencies.*—If, as the result of an examination by a representative of the Commission of the accounts of a person subject to the act and to the Commission's accounting requirements, or of an examination of any statement or report submitted by such person, it appears that the accounts, or any books or records pertaining to or in support thereof, are not being kept and maintained as required by the Commission, or that the statements or reports prepared and submitted are not in proper form, the failure or deficiency will be called to the attention of such person either formally or informally as the circumstances appear to warrant.

SEC. 41.2 *Response to notification.*—If, as the result of such formal or informal notice, the matter is not adjusted within the time fixed by said notice, or within a reasonable time in case no date is specified, or if there is a disagreement between such person and the Commission or its representative respecting the application or interpretation of the act or requirements of the Commission with respect to the matter at issue, such person will be requested to advise the Commission in writing within a time to be specified whether it consents to the disposition of the questions involved under the shortened procedure hereinafter provided.

SEC. 41.3 *Facts and argument.*—If the person consents to the matter being handled under such shortened procedure, the person and any other parties interested, including representatives of the Commission, shall submit to the Commission, within 30 days after the receipt of notice from the Commission to do so, a memorandum of the facts and, separately stated, of the argument relied upon, to sustain the position taken respecting the matter at issue together with copies in sufficient number to enable the Commission to retain three copies for its own use and make service in accordance with Sec. 1.90 to Sec. 1.94, upon all parties designated in said notice. Twenty days will be allowed in which to file a reply by any party who filed an original memorandum.

SEC. 41.4 *Form and style.*—All memoranda must conform to the requirements of Sec. 1.80 to Sec. 1.85, and each copy must be complete in itself. All pertinent data should be set forth fully, and each

memorandum should set out the facts and argument as prescribed for briefs in Sec. 1.170 to Sec. 1.174.

Sec. 41.5 *Verification.*—The facts stated in the memorandum must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Except under unusual circumstances, such persons should be those who would appear as witnesses if hearing were had to testify as to the facts stated in the memorandum.

Sec. 41.6 *Determination.*—If no formal hearing is had the matter in issue will be determined by the Commission on the basis of the facts and arguments submitted.

Sec. 41.7 *Assignment for oral hearing.*—In case consent to the shortened procedure is not given, or if at any stage of the proceeding prior to the submission of the case to the Commission any party in interest requests a hearing, the proceeding will be assigned for hearing as provided for by Sec. 1.150 to Sec. 1.155. The Commission may also in its discretion set the proceeding for hearing on its own motion at any stage thereof.

Sec. 41.8 *Burden of proof.*—The burden of proof to justify every accounting entry shall be on the person making, authorizing, or requiring such entry.

PART 45

APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS

Sec. 45.1 *Who shall file.*—An order authorizing the holding of positions as provided by section 305 (b) of the Federal Power Act will be granted only upon application therefor made as hereinafter provided by the person seeking to hold such positions (hereinafter referred to as "applicant").

Sec. 45.2 *Positions requiring authorization.*—

A. The positions subject to this rule shall include those of any person elected or appointed to perform the duties or functions ordinarily performed by a president, vice president, secretary, treasurer, general manager, comptroller, chief purchasing agent, director or partner, or to perform any other similar executive duties or functions, in any corporation* within the purview of section 305 (b) of the act. With respect to positions not herein specifically mentioned which applicant holds and which are invested with executive authority, applicant shall state in the application the source of such executive authority, whether by by-laws, action of the board of directors, or otherwise.

* See footnote on p. 67.

B. Corporations* within the purview of section 305 (b) of the act include:

(1) Any public utility under the act; which means any person who owns or operates facilities for the transmission of electric energy in interstate commerce, or any person who owns or operates facilities for the sale at wholesale of electric energy in interstate commerce.

(2) Any bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of public utility securities; this includes any corporation when so authorized whether or not same may also be a public utility and/or a holding company. [See U. S. C. Title 12, Sec. 378.]

(3) Any company that supplies electrical equipment to a public utility in which applicant seeks authorization to hold a position, whether the supplying company be a manufacturer, or dealer, or one supplying electrical equipment pursuant to a construction, service, agency, or other contract.

C. Regardless of any action which may have been taken by the Commission upon a previous application under section 305 (b) of the act, an application for approval under such section is required with reference to any position or positions not previously authorized which are within the purview of said section.

Sec. 45.3 *Time of filing application.*—

A. *Anticipatory application.*—An application may be made in anticipation of election or appointment to a position or positions within the purview of section 305 (b) of the act.

B. *Application after election or appointment.*—Section 305 (b) of the act provides that the holding of positions within the purview of that section shall be unlawful unless the holding shall have been authorized by order of the Commission. Nothing in this rule shall be construed as authorizing the holding of positions prior to the order of the Commission on application therefor. Applications shall be filed within 30 days after election or appointment to any positions within the purview of section 305 (b) of the act.

Sec. 45.4 *Supplemental applications.*—

A. *New positions.*—In the event of a change or changes in the information set forth in an application, by the applicant's election or appointment to another position or other positions in corporations

* "Corporation" means any corporation, joint-stock company, partnership, association, business trust, organized group of persons, whether incorporated or not, or a receiver or receivers, trustee or trustees of any of the foregoing. It shall not include "municipalities" as defined in the Federal Power Act.

within the purview of section 305 (b) of the act, the application shall be supplemented by the applicant's setting forth all the data with respect to the new position or positions in accordance with the requirements of this order.

B. *Old positions.*—After applicant has been authorized to hold a particular position, further application in connection with each successive term so long as he continues in uninterrupted tenure of such position will not be required except as ordered by the Commission. If the term of office or the holding of any position for which authorization has been given shall be interrupted and the applicant shall subsequently be reelected or reappointed thereto, further authorization will be required.

SEC. 45.5 *Supplemental information.*—

A. *Required by Commission.*—Applicants hereunder shall upon request of the Commission and within such time as may be allowed, supplement any application or any supplemental application with any information required by the Commission.

B. *Notice of changes.*—In the event of the applicant's resignation, withdrawal, or failure of reelection or appointment in respect to any of the positions for which authorization has been granted by the Commission, or in the event of any other material or substantial change therein, the applicant shall within 30 days after any such change occurs, give notice thereof to the Commission setting forth the position, corporation, and date of termination therewith, or other material or substantial change.

C. *Reports.*—All persons holding positions by authorization of the Commission under section 305 (b) of the act may be required to file such periodic or special reports as the Commission may deem necessary.

SEC. 45.6 *Termination of authorization.*—

A. *By the Commission.*—Orders of authorization under section 305 (b) of the act are subject to revocation by the Commission after due notice to applicant and opportunity for hearing. In any such proceeding the burden of proof shall be upon the applicant to show that neither public nor private interests will be adversely affected by the holding of such positions.

B. *Without action of the Commission.*—Whenever a person shall cease to hold a position theretofore authorized to be held by the Commission or such position shall cease to be within the purview of section 305 (b) of the Federal Power Act, the Commission's authorization to hold such position shall terminate without further action by the Commission. If upon such termination of authorization as aforesaid, such person does not continue to hold at least two positions authorized and then requiring authorization pursuant to said section 305

(b) of the act, all authorization theretofore given by the Commission shall thereupon terminate.

SEC. 45.7 *Form of application, etc.; number of copies.*—An original and two copies of each application, supplemental application, statement of supplemental information, notice of change and report required by Part 45 shall be filed with the Commission. Each original shall be dated, signed by the applicant and verified under oath in accordance with Sec. 200.60. Each copy shall bear the date and signature that appear on the original and shall be complete in itself, but the signature in the copies may be stamped or typed and the notarial seal may be omitted. The application shall conform to Sec. 1.80 to Sec. 1.85.

SEC. 45.8 *Contents of application.*—Each application shall state the following:

A. *Identification of applicant.*—

(1) Full name, business address, and place of residence.
(2) Major business or professional activity.
(3) Any other application or applications under section 305 (b) of the act made by the applicant, together with date and docket number thereof, and Commission action thereon, if any.
(4) If application is not filed with the Commission within 30 days after election or appointment, state reasons in full for the delay.

B. *List of positions within the purview of section 305 (b) of the act for which authorization is sought.*—

Position	Name of Corporation	Classification: ((1) Public utility, (2) authorized by law to underwrite, (3) supplying electrical equipment)

C. *Data as to positions with each public utility mentioned in subsection B of this Sec. 45.8.*—(The applicant shall use a separate sheet for each public utility. If the public utility has already filed with the Commission the information required under items (12), (13), and (14) below, applicant may refer to such reports in lieu thereof.)

(1) Name of public utility, State and date of incorporation (if any), and address of principal place of business.
(2) States in which public utility is doing business or has qualified to do business.
(3) Description of the facilities owned or operated by the public utility for the transmission of electric energy in

633267—45——6

interstate commerce or the sale of electric energy at wholesale in interstate commerce, and of the interconnection of such facilities with those of any other corporation. (An appropriate map shall be included as an exhibit.)

(4) Positions which applicant holds or seeks authorization to hold therein, and when and by whom elected or appointed to each position.

(5) Names, titles and residence addresses of directors and officers and number of vacancies, if any, on board of directors.

(6) Description of applicant's duties and approximate amount of time devoted thereto, and, if applicant seeks authorization as director, when and where directors meetings have been held during the past 18 months and number of said meetings attended by applicant.

(7) Any other professional, contractual, or business relationships of applicant, either directly or through the medium of any corporation, with the public utility.

(8) Extent of applicant's direct or indirect ownership, or control of, or beneficial interest in, the public utility or the securities thereof, including common stock, preferred stock, bonds, or other securities. If such ownership or interest is held in a name other than that of applicant, state name and address of such holder.

(9) Extent of applicant's indebtedness to public utility, how and when incurred, and consideration therefor.

(10) All money or property received by applicant from the public utility or any affiliate during the past 12 months, and expected during the ensuing 12 months, whether for services, reimbursement of expenses, or otherwise. Specify in detail the amount thereof and the basis therefor. If applicant's compensation for services to the public utility is not paid directly by the public utility, give name of the corporation which does pay same, the amount allocated or allocable to the public utility or any affiliate, and the basis or reason for such allocation.

(11) Name and address of principal place of business of any corporation which renders management, construction or other service to the public utility pursuant to contract or other continuing arrangement.

(12) Copy of last annual balance sheet and last annual operating statement of the public utility.

(13) A statement, as of the date of the balance sheet submitted, showing for each class and series of capital stock:

(*a*) Brief description.

(*b*) The amount authorized (face value and number of shares).

(*c*) The amount outstanding (exclusive of any amount held in the treasury).

(*d*) Amount owned by affiliated corporations.

(*e*) Voting rights and whether voting rights are cumulative or noncumulative.

(14) A statement, as of the date of the balance sheet submitted, showing for each class and series of funded debt:

(*a*) Brief description.

(*b*) Name and address of trustee under any mortgage or indenture in relation thereto.

(*c*) The amount authorized.

(d) The amount outstanding (exclusive of any amount held in the treasury).

(*e*) Amount owned by affiliated corporations.

(f) Voting rights, if any, with description thereof.

(15) Whether during the past five years, the public utility or any affiliate thereof or any security holders of either, have commenced any suit against the officers or directors thereof for alleged waste, mismanagement or violation of duty, to which suit applicant was a party defendant. If so give date of commencement of suit, court in which commenced, and present status.

(16) Whether the public utility or any affiliate thereof, during the past five years and while applicant held a position therewith, has either voluntarily or involuntarily been the subject of any proceeding in bankruptcy (including 77 (b)), insolvency or equity receivership, either Federal or State. If so, give date of commencement of proceeding, court in which commenced, and present status.

D. Data as to positions with each bank, trust company, banking association or firm, mentioned in subsection B of this Sec. 45.8, that is authorized by law to underwrite or participate in the marketing of securities of a public utility.—(The applicant shall use a separate sheet for each corporation.)

(1) Name of corporation, State and date of incorporation (if any) and address of principal place of business.

(2) States in which corporation is doing business or has qualified to do business.

(3) Positions which applicant holds or seeks authorization to hold therein and when and by whom elected or appointed to each position.

(4) Description of applicant's duties in each position and approximate amount of time devoted thereto, and, if applicant seeks authorization as director, where directors meetings are held.

(5) Names, titles, and residence addresses of directors, officers, or partners.

(6) Whether the corporation is now engaged in underwriting or participating in the marketing of the securities of a public utility; if so, to what extent.

(7) Whether the corporation, during applicant's connection therewith, has underwritten or participated in the marketing of the security issue of any public utility with which applicant was also connected; if so, the details with respect to every such transaction.

(8) (If the answer to 6 above is in the negative) Give excerpts from the charter, declaration of trust, or articles of partnership which authorize the underwriting or participating in the marketing of securities of a public utility.

(9) (If the answer to 6 above is in the negative) Give general requirements of, and appropriate reference to, the laws of the State of organization and of States in which corporation is doing business or has qualified to do business, which it must comply with in order to engage in the business of underwriting or participating in the marketing of the securities of a public utility.

(10) What steps, if any, have been taken to comply with laws mentioned in item (9) above.

(11) In lieu of items (8), (9), and (10) above, an opinion by counsel to the same effect and including the information in respect thereto may be filed with the application.

(12) Whether the corporation has registered with the Securities and Exchange Commission; if so, when and under what section of what act.

E. *Data as to positions with each company, mentioned in subsection B of this Sec. 45.8, supplying electrical equipment to a public utility in which applicant holds a position.*—(Applicant shall use a separate sheet for each company.)

(1) Name of company, State and date of incorporation (if any), and address of principal place of business.

(2) Positions which applicant holds or seeks authorization to hold therein and when and by whom elected or appointed to each position.

(3) Description of applicant's duties in each position and approximate amount of time devoted thereto, and, if applicant seeks authorization as director, when and where directors meetings have been held during the past 18 months and number of said meetings attended by applicant.

(4) Names, titles, and residence addresses of directors, or partners.

(5) Name of each public utility, with which applicant holds or seeks authorization to hold a position, to which the company supplies electrical equipment; the frequency of such transactions; the approximate annual dollar volume of such business; and the type of equipment supplied.

(6) Nature of relationship between the company supplying electrical equipment and the public utility:

(*a*) Whether company manufactures such electrical equipment or is a dealer therein.

(*b*) Whether company supplies electrical equipment to the public utility pursuant to construction, service, agency, or other contract with the public utility or an affiliate thereof, and, if so, furnish brief summary of the terms of such contract.

(7) Extent of applicant's direct or indirect ownership, or control of, or beneficial interest in, the company or in the securities thereof, including common stock, preferred stock, bonds, or other securities. If such ownership or interest is held in a name other than that of applicant, state name and address of such holder.

(8) All money or property received by applicant from the company during the past 12 months, and expected during the ensuing 12 months, whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

F. *Data as to positions with public utility holding companies.*—(Do not include here data as to corporations listed in subsection B of this section 45.8 which are also holding companies. A "holding company" as herein used means any corporation which directly or indirectly owns, controls, or holds with power to vote, ten per centum, or more, of the outstanding voting securities of a public utility.)

(1) Name of holding company, State and date of incorporation (if any), and address of principal place of business.

(2) Positions which applicant holds therein, when and by whom elected or appointed to each position.

(3) Extent of applicant's direct or indirect ownership, or control of, or beneficial interest in, the holding company or in the securities thereof, including common stock, pre-

ferred stock, bonds, or other securities. If such ownership or interest is held in a name other than that of applicant, state name and address of such holder.

(4) All money or property received by applicant from the holding company during the past 12 months, and expected during the ensuing 12 months, whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

G. *Positions with all other corporations.*—(Do not include here data as to any corporations listed in subsections B or F of this section 45.8.)

(1) All other corporations and positions therein, including briefly the information required in parallel columns as below:

Name of Corporation	Address. Kind of business	Position held therein

(2) Any corporate, contractual, financial, or business relationships between any of the corporations listed in item (1) above and any of the public utilities listed in subsection B of this section 45.8.

H. *Data as to the public utility holding company system.*—

(1) The name of the public utility holding company system of which each public utility listed in subsection B of section 45.8 is a part.

(2) The financial and corporate relationship existing between and among the corporations in the above holding company system, including the percentage of voting power represented by securities owned by the corporation preceding each corporation in the corporate structure of the system. (An appropriate chart or table shall be included as an exhibit.)

(3) The name of each public utility holding company, listed in item (1) of this subsection H, which has registered with the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935. Give date of registration.

(4) The name of each public utility holding company listed in item (1) of this subsection H, which has filed with the Securities and Exchange Commission a plan for voluntary reorganization or corporate simplification pursuant to section 11 of the Public Utility Holding Company Act of 1935. Give date of filing such plan.

PART 200

FORMS

SEC. 200.1—*Certificate of service*[1]

[See Sec. 1.90 to Sec. 1.94]

[One original, no copies required]

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by delivering a copy thereof in person to _____ and/or by mailing a copy thereof properly
(Name of person served)
addressed to _____, dated at _____
(Names of persons served by mail)
this _____ day of _____, 19____.

_____
(Signature)

Of counsel for
_____,
_____.

SEC. 200.2—*Application for license*

[See Sec. 4.30 to Sec. 4.42]

[Unless otherwise specified this application and all accompanying documents shall be submitted in quadruplicate]

BEFORE THE

FEDERAL POWER COMMISSION

APPLICATION FOR LICENSE

1. _____ a { citizen, / association of citizens, / corporation, / municipality } (omit all but one)
(The full name of applicant)

*organized under the laws of the State of _____, and having its office and principal place of business at _____, in the State of _____, *(omit part between asterisks if a citizen) (in pursuance of a preliminary permit issued to the applicant on the _____ day of _____, 19____), hereby makes application to the Federal Power Commission for a license to authorize the construction, operation, and maintenance of certain project works fully described herein.

2. The name, title, and post-office address of the person to whom correspondence in regard to this application shall be addressed is as follows:

_____

_____

[1] To be shown on the original when tendered for filing with the Commission of every paper as specified in rule Sec. 1.91.

3. The applicant is a corporation and is organized under the following laws (omit if inapplicable):

---

4. The measure of control or ownership exercised by the applicant in any other organization or over applicant by any other organization is as follows:

---

5. The applicant operates and/or proposes to operate in the following States:

---

6. A concise general description of the project and the principal project works is as follows:

(Give the name or other designation and a brief description of the principal project works, disregarding such of the following items (*a*), (*b*), (*c*), and (*d*) as may not be applicable.)

(*a*) Dams and reservoirs

(*b*) Water conduits

(*c*) Power houses, substations, switchyards

(*d*) Transmission lines

---

7. The location of the project applied for is as follows:

(*a*) In the State of

(*b*) In the county of

(*c*) On the following-named stream carrying commerce to the following extent:

(*d*) In the region of the following-named cities and towns:

---

8. Lands of the United States which will be affected are located in:

(State whether in public domain, national forests, Indian reservations, or special reservations, giving the names of the forests or reservations.)

9. The proposed scheme of development for the project is as follows:

(Here also give an estimate of the power available for 90 percent of the time, the proposed installed capacities, both initial and ultimate, and a general statement as to plans for future development.)

10. The proposed use or market for the power to be developed is as follows:

[See Sec. 4.40–I]

---

11. The location, a brief description, and capacity of all power plants or other electric facilities owned or operated by the applicant, the market supplied thereby, and the relation thereof to the project applied for, are briefly described as follows:

---

12. The following exhibits are filed herewith and are hereby made a part of this application:

(Give each exhibit a designation and brief description, as exhibit A, certified copy of articles of incorporation, etc.; exhibit B, certified copy of resolutions of stockholders and/or directors, etc.)

Exhibit

Exhibit

Exhibit

IN WITNESS WHEREOF the applicant has caused its name to be hereunto signed by _____ (Name) its _____ (Title—chief executive officer) and its corporate seal to be hereto affixed by _____ (Name) its _____ (Title—custodian of seal) thereunto duly authorized, this _____ day of _____, 19____.

(Modify this paragraph if applicant is a citizen.)

_____
(Name of applicant)

By _____
_____

Attest:

_____
(Secretary)

VERIFICATION

State of _____ }
County of _____ } *ss:*

_____ being first duly sworn deposes and says: That he is the _____ (Title of person signing application) of the _____ (Full name of applicant), the applicant for a license, that he has read the foregoing application and knows the contents thereof; that the same are true to the best of his knowledge and belief.

_____
(Signature)

Subscribed and sworn to before me this _____ day of _____, 19____

_____
(Notary public)

[SEAL]

(If the applicant is an individual, or an association of individuals, proof of citizenship is required. Such proof may be made by affidavit in the following form:)

State of _____ }
County of _____ } *ss.*

_____ and _____ being duly sworn, each for himself, says he is a citizen of the United States of America.

_____
_____
_____

Subscribed and sworn to before me this _____ day of _____, 19____.

_____
(Notary public)

[SEAL]

SEC. 200.3—*Certificate of organization*

[See Sec. 4.41, Ex. A, and Sec. 4.80 to Sec. 4.86]
[To be submitted in quadruplicate]

I, _____ secretary of the _____
(Name)
do hereby certify that the organization of said corporation has been completed; and that the corporation is authorized to proceed with the project applied for according to the existing laws of the State of _____.

I further certify that attached hereto is a true copy of the by-laws with all amendments to date, and that the following is a true list of the principal officers and of the directors of the said corporation, with the full name and official designation of each:

(Here insert the full name, address, and official designation of each principal officer and director.)

Witness my hand and the seal of the corporation this _____ day of _____, 19____.

_____
(Secretary)

[SEAL]

SEC. 200.4—*Certificate of exhibits*

[See Sec. 4.30 to Sec. 4.86]

This map (these estimates, this copy of notice, etc.) is a part of the application for preliminary permit (license) made by the undersigned this _____ day of _____ 19____.

_____
(Name of applicant)

By _____

SEC. 200.5—*Application for license for transmission lines only*

[See Sec. 4.70 and Sec. 4.71]

[Unless otherwise specified, this application and all accompanying documents shall be submitted in quadruplicate]

BEFORE THE

FEDERAL POWER COMMISSION

APPLICATION FOR A LICENSE FOR A PROJECT INVOLVING TRANSMISSION LINES ONLY

1. _____ (The full name of applicant) a {citizen / association of citizens / corporation / municipality} organized under the laws of _____, hereby make _ application to the Federal Power Commission for a license to authorize the construction, operation, and maintenance on lands of the United States of a transmission line fully described as follows:

_____

_____

2. The location of the proposed transmission line, is as follows:
   (*a*) In the State of _____
   (*b*) In the county of _____
   (*c*) On (public lands) (lands within _____ National Forest) (lands within _____ Indian Reservation.)
   (*d*)[1] Connected with Project No. ____, for which license has been issued (application has been made.)

3. The electrical energy to be transmitted will be generated by water (fuel) power and used for the following purposes:

_____

_____

4. The name, title, and post-office address of the person to whom correspondence in regard to this application shall be addressed is as follows:

_____

_____

5. The following exhibits are filed herewith and are hereby made a part of this application:
   Exhibit _____
   Exhibit _____

IN WITNESS WHEREOF, the applicant has caused its name to be hereunto signed by _____ (Name) its _____ (Title—chief executive officer) and its corporate seal to be hereto affixed by _____ (Name) its _____ (Title—custodian of seal) thereunto duly authorized; this _____ day of _____, 19____.

(Modify this paragraph if applicant is a citizen.)

_____
(Name of applicant)

By _____

_____

Attest:

_____
(Secretary)

(Verification shall be in accordance with Sec. 200.2 hereof.)

SEC. 200.10—*Application for preliminary permit*

[See Sec. 4.80 to Sec. 4.86]

[Unless otherwise specified, this application and all accompanying documents shall be submitted in quadruplicate]

BEFORE THE

FEDERAL POWER COMMISSION

APPLICATION FOR PRELIMINARY PERMIT

1. _____ (Full name of applicant) a {citizen / association of citizens / corporation / municipality} organized under the laws of the State of _____ and having its office and principal place of business at _____ in the State of _____ being desirous of obtaining a license under the Federal Power Act, hereby makes application to the Federal Power Commission for a preliminary permit for _____ months, for the project described herein. This application is made in

---

[1] If the transmission line is connected directly with a project for which license has been issued, the Commission may require that it be added to the former license by amendment.

order that the applicant may secure and maintain priority for a license under the Federal Power Act while procuring data and performing the acts necessary to perfect an application for such license.

2. The name, title, and post-office address of the person to whom correspondence in regard to this application shall be addressed is as follows:

---

3. The applicant is a corporation and is organized under the following laws:

---

4. The measure of control or ownership exercised by or over the applicant in any other organization, is as follows:

---

5. The applicant proposes to operate in the following area:

---

6. The location of the project applied for is as follows:

(*a*) In the State of _____

(*b*) In the county of_____

(*c*) On the following-named stream _____ carrying commerce to the following extent:

(*d*) In the region of the following-named cities and towns:

---

7. Lands of the United States which will be affected are located in _____

(State whether in public domain, national forests, Indian reservations, or special reservations, giving the names of the forests or reservations.)

8. The proposed scheme of development for the project is as follows:

(Here give a concise general description of the project including an estimate of the power available 90 percent of the time and the proposed installed capacity.)

9. The proposed use or market for the power to be developed is as follows:

---

10. The location, a brief description, and capacity of all power plants owned or operated by the applicant, the markets supplied thereby, and the relation thereof to the project applied for are briefly described as follows:

---

11. The following exhibits are filed herewith and are hereby made a part of this application:

(Give each exhibit a designation and brief description, as Exhibit A, certified copy of articles of incorporation, etc.; Exhibit B, certified copy of resolutions of stockholders and/or directors, etc.)

Exhibit_____

Exhibit_____

Exhibit_____

IN WITNESS WHEREOF the applicant has caused its name to be hereunto signed by _____ its _____ and its corporate seal to be hereto affixed by_____ its _____
(Title—chief executive officer) (Name) (Title—custodian of seal)
thereunto duly authorized, this _____ day of _____, 19____.

(Modify this paragraph if applicant is a citizen.)

_____
(Name of applicant)

By _____

Attest:

_____

_____
(Secretary)

VERIFICATION

State of_____ }
County of_____ } *ss.*

_____ being first duly sworn, deposes and says: That he is the _____ of the _____
(Title of person signing application) (Full name of applicant)
the applicant for a preliminary permit, that he has read the foregoing application and knows the contents thereof; that the same are true to the best of his knowledge and belief.

_____
(Signature)

Subscribed and sworn to before me this _____ day of _____, 19____.

[SEAL]

_____
(Notary public)

(If the applicant is an individual, or an association of individuals, proof of citizenship is required. Such proof may be made by affidavit in the following form:)

State of_____ }
County of_____ } *ss.*

_____ and _____ being duly sworn, each for himself, says that he is a citizen of the United States of America.

_____

_____

_____

Subscribed and sworn to before me this _____ day of _____, 19____.

[SEAL]

_____
(Notary public)

SEC. 200.20—*Application for approval of transfer of license*

[Sec. 9.1 to Sec. 9.10]

[Unless otherwise specified, this application and all accompanying documents shall be submitted in quadruplicate]

BEFORE THE

FEDERAL POWER COMMISSION

APPLICATION FOR APPROVAL OF TRANSFER OF LICENSE

(1) _____, licensee under the license for Project No. _____, issued by the Commission on _____,
(Month, day, year)
and

(2) _____, (hereinafter referred to as the Transferee).

(3) Hereby jointly and severally apply for the written approval by the Federal Power Commission of the transfer of the aforesaid license from the transferor to the transferee and request that the instrument of such approval by the Commission be made effective as of the date of conveyance of the project properties; and in support thereof show the Commission as follows:

(4) The said transferee is:

(*a*)[1] A citizen of the United States, whereof proof is submitted herewith as exhibit A, which is hereby incorporated herein and made a part hereof;

(*b*)[1] An association of citizens under articles of association, a certified copy of which as now in effect is attached hereto as exhibit A and hereby incorporated herein and made a part hereof;

(c)[1] A municipality organized under the following statutes: _____ _____, proof of such organization being submitted herewith as exhibits A–1, A–2, etc., which is [are] hereby incorporated herein and made a part hereof;

(d)[2] A _____ corporation, organized under the laws (e. g., private, nonprofit, etc.)
of the State of _____, and domesticated in the States of _____, _____; certified copies of its charter or certificate of incorporation, articles of incorporation, corporate by-laws, and certificates of authority to do business, with all amendments of each to date, being submitted herewith as exhibits A–1, A–2, etc., said exhibits being hereby incorporated herein and made a part hereof;

(5) The transferee submits as [partial] evidence of its compliance with all applicable State laws as required by section 9 (b) of the Federal Power Act _____, submitted herewith as exhibits B–1, B–2, etc., and proposes to complete its showing of such compliance by submitting_____ _____, to be submitted as exhibits B–3, B–4, etc., at the time it submits proof of the conveyance to it of the project properties as hereinafter provided for;[2]

(6) The transferee will submit certified copies of all instruments of conveyance whereby title to the project properties is conveyed to it, upon the completion of such conveyance, if and when the Commission shall have authorized the giving of its approval to the proposed transfer;

(7) If and when the Commission shall have authorized the giving of its approval of the proposed transfer, and upon completion of conveyance of the project properties to the transferee, the transferor will deliver to the transferee and the transferee will accept and permanently retain all license instruments

[1] In par. 4 include only the subparagraph which is applicable.

[2] This form for application contemplates the filing of the application and Commission action thereon prior to any conveyance of the project properties. If the Commission acts favorably upon the application, it will authorize the issuance of its instrument approving the transfer of the license and the applicants will be notified thereof. Applicants may then consummate the conveyance of the project properties and transferee shall submit to the Commission certified copies of the instruments of such conveyance (see par. 6 of this form). The transferor shall at the same time make payment of annual charges to the date of the conveyance (see par. 8 of this form). The transferee shall at the same time submit to the Commission final proofs showing its compliance with state laws (e. g., acquisition of water rights under state laws from the transferor. See par. 5 of this form.) The transferor shall at the same time turn over to the transferee all license instruments and all maps, plans, specifications, contracts, reports of engineers, accounts, books, records, and all other papers and documents, relating to the original project and to all additions thereto and betterments thereof. Thereupon the instrument of the Commission s approval, effective as of the date of the conveyance, will issue.

and all maps, plans, specifications, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating to the original project and to all additions thereto and betterments thereof;

(8) The transferor certifies that it has fully complied with the terms and conditions of its license, as amended, and that it has fully satisfied and discharged all of its liabilities and obligations thereunder to the date hereof, and obligates itself to pay all annual charges accrued under the license to the date of transfer;

(9) Contingent upon the final written approval by the Commission of the transfer of the license, the transferee accepts all the terms and conditions of the said license [as amended] and the act, and agrees to be bound thereby to the same extent as though it were the original licensee thereunder;

(10) The name, title, and post-office address of the person or persons to whom correspondence in regard to this application shall be addressed are as follows:
_____
_____

IN WITNESS WHEREOF the transferor has caused its name to be hereunto signed by _____, its _____, and its
(Name) (Title—Chief executive officer)
corporate seal to be hereunto affixed by _____,
(Name)
its_____ thereunto duly authorized, this _____
(Title—Custodian of seal)
day of _____, 19____; and the transferee has caused its name to be hereunto signed by_____, its _____,
(Name) (Title—chief executive officer)
and its corporate seal to be hereunto affixed by _____
(Name)
its _____, thereunto duly authorized this _____
(Title—custodian of seal)
day of _____, 19____.[3]

_____
(Exact name of transferor)
By _____
(Name)
_____
(Title)

_____
(Exact name of transferee)
By _____
(Name)
_____
(Title)

Attest:

_____
(Secretary)

VERIFICATION[4]

State of _____ }
County of _____ } *ss:*

_____ being duly sworn deposes and says:
That he is the _____
(Title of person signing the application)
of the _____, one of the applicants for approval of
(Name of one of applicants)
transfer of license; that he has read the foregoing application and knows the

[3] If applicant is a natural citizen modify final paragraph.

[4] To be separately executed by each of the persons signing the foregoing application.

contents thereof; and that the same are true to the best of his knowledge and belief.

_____
(Signature)

Subscribed and sworn to before me, a notary public of the State of _____ this _____ day of _____, 19____.

_____

EXHIBIT A

PROOF OF CITIZENSHIP[5]

State of _____ }
County of _____ } *ss:*

_____, _____,
and _____, being duly sworn, each for himself, deposes and says that he is a citizen of the United States of America.

_____
_____
_____

Subscribed and sworn to before me, a notary public of the State of _____ this _____ day of _____, 19____.

_____

SEC. 200.30—*Application for amendment of license*

[See Sec. 5.1 to Sec. 5.3]

[To be submitted in quadruplicate]

BEFORE THE

FEDERAL POWER COMMISSION

APPLICATION FOR AMENDMENT OF LICENSE[6]

1. _____ (The full name of applicant) a { citizen / association of citizens / corporation / municipality } organized under the laws of the State of _____ (omit any of foregoing which are inapplicable), licensee for a power project, designated as Project No. _____ in the records of the Federal Power Commission, issued on the _____ day of _____, 19____, hereby make__ application to said Commission for an amendment of the license for said project in the manner and to the extent described herein.

2. (Statement or description of change desired):

_____
_____

3. The proposed changes are necessary and desirable for the following reasons: _____
_____

---

[5] If the applicant is a natural person or an association of citizens, proof of citizenship is required. Such proof may be made by affidavit in the form indicated.

[6] This form shall also be used when making application for amendment of plans.

4. The following exhibits are filed herewith, and are hereby made a part of this application for amendment of license:

*Exhibit _____, sheet _____, superseding exhibit _____, sheet _____
Exhibit _____, sheet _____, modifying exhibit _____, sheet _____
Exhibit _____, sheet _____, supplementing exhibit _____, sheet _____

(Use wording which fits the facts)

IN WITNESS WHEREOF the applicant has caused its name to be hereunto signed by _____ (Name) its _____ (Title—chief executive officer), and its corporate seal to be hereto affixed by _____ (Name) its _____ (Title—custodian of seal) thereunto duly authorized, this _____ day of _____, 19____.

(Modify this paragraph if applicant is a citizen.)

_____
(Name of applicant)

By _____

Attest:

_____
(Secretary)

_____

VERIFICATION

State of _____ }
County of _____ } *ss.*

_____ being first duly sworn deposes and says: That he is the _____ (Title of person signing application) of the _____ (Full name of applicant), the applicant for an amendment to the license for Project No. _____, that he has read the foregoing application and knows the contents thereof; that the same are true to the best of his knowledge and belief.

_____
(Signature)

Subscribed and sworn to before me this _____ day of _____, 19____.

[SEAL]

_____
(Notary public)

---

*Each exhibit shall be certified as follows:

This map (these estimates, this copy of notice, etc.) is a part of the application for an amendment to license for Projcet No. _____, made by the undersigned this _____ day of _____, 19____.

_____
(Name of applicant)

By _____

SEC. 200.40—*Balance sheet*

[See Sec. 33.3, exhibit G, and Sec. 34.3, exhibit G]

[Original and five copies, plus one copy for each State affected, to be submitted]

[Name of Applicant]

BALANCE SHEET [1]

As of (most recent date)

Assets and other debits	Before transaction	Adjustments to record proposed transaction [2]	After transaction
Utility plant:			
Electric plant			
Electric plant adjustments			
Other			
Total utility plant			
Investment and fund accounts:			
Other physical property			
Investments in associated companies			
Sinking funds			
Other investments			
Total investment and fund accounts			
Current and accrued assets:			
Cash			
Special deposits			
Temporary cash investments			
Notes and accounts receivable—Customers			
Notes and accounts receivable—Others			
Receivables from associated companies			
Subscriptions to capital stock			
Materials and supplies			
Prepayments			
Other current and accrued assets			
Total current and accrued assets			
Deferred debits:			
Unamortized debt discount and expense			
Extraordinary property losses			
Other deferred debits			
Total deferred debits			
Capital stock discount and expense			
Reacquired securities:			
Reacquired capital stock			
Reacquired long-term debt			
Total reacquired securities			
Total assets and other debits			

(See footnotes at end of table.)

SEC. 200.40—*Balance sheet*—Continued

Liabilities and other credits	Before transaction	Adjustments to record proposed transaction [2]	After transaction
Capital stock:			
Common			
Preferred			
Other (specify)			
Total capital stock			
Long-term debt:			
Bonds			
Advances from associated companies			
Other (list large items)			
Total long-term debt			
Current and accrued liabilities:			
Notes payable			
Accounts payable			
Payables to associated companies			
Dividends declared			
Matured long-term debt			
Customers' deposits			
Taxes accrued			
Interest accrued			
Other current and accrued liabilities			
Total current and accrued liabilities			
Deferred credits (list large items)			
Reserves:			
Reserve for depreciation [3]			
Reserves for amortization			
Reserve for uncollectible accounts			
Insurance reserve			
Injuries and damages reserve			
Other reserves			
Total reserves			
Contributions in aid of construction			
Surplus:			
Capital surplus [4]			
Earned surplus			
Total surplus			
Total liabilities and other credits			

[1] The above balance sheet is condensed from the balance sheet shown in the Uniform System of Accounts.

[2] The figures appearing in the adjustment columns may be entered so that the total or net adjustment to each balance sheet item appears as one amount. Submit journal entries giving the accounts affected and an appropriate explanation of each adjustment. Minor adjustments of deferred items, accruals, etc., may be grouped as one journal entry. Increases or decreases in balance-sheet items arising from the transfer of such items from one company to another company shall be fully explained as to the reasons and bases for the amounts of such increases or decreases.

[3] If the reserve for depreciation is segregated (statistically or otherwise) as to utilities and classes of plant, the segregated amounts should be shown in a separate schedule.

[4] If capital surplus is shown in the balance sheet, a statement of origin and subsequent changes in the original amount should be submitted.

SEC. 200.41—*Classification of utility plant*

[See Sec. 33.3, exhibit G and Sec. 34.3, exhibit G]

[Original and five copies, plus one for each State affected, to be submitted]

[Name of applicant]

CLASSIFICATION OF UTILITY PLANT

As of (date of balance sheet)

Description	Amount
Electric utility plant:	
1. Electric plant leased to others	
2. Construction work in progress	
3. Electric plant held for future use	
4. Electric plant acquisition adjustments	
5. Electric plant in service and in process of reclassification	
(a) Intangible plant	
(b) Steam-production plant	
(c) Hydro-production plant	
(d) Internal-combustion plant	
(e) Transmission plant	
(f) Distribution plant	
(g) General plant	
(h) Unclassified	
Total electric utility plant	
Gas utility plant:	
1. Organization	
2. Other intangible plant	
3. Tangible plant	
Total gas utility plant	
Railway utility plant:	
1. Organization	
2. Other intangible plant	
3. Way and structures	
4. Equipment	
5. Power	
6. General	
7. Unclassified	
Total railway utility plant	
Other utility plant (describe)	
Total utility plant	

NOTE.—If the utility plant is stated in excess of cost to the company, except as shown in the balance sheet adjustment account, give the amount of such excess, estimated if the exact amount is not known, and particulars as to the nature and origin of such excess.

SEC. 200.42—*Comparative income statement*

[See Sec. 33.3, exhibit I and Sec. 34.3, exhibit I]

[Original and five copies, plus one for each State affected, to be submitted]

[Name of Applicant]

COMPARATIVE INCOME STATEMENT

	Year ended Dec. 31					Most recent 12-month period		
	Five most recent years					Before adjustments	Adjustments showing effect of transactions	After adjustments
OPERATING INCOME								
Electric department:								
Operating revenues								
Operating expenses (except maintenance)								
Maintenance expenses								
Depreciation								
Taxes								
Total expenses, depreciation, and taxes								
Operating income—Electric								
Gas department:								
Operating revenues								
Operating expenses (except maintenance)								
Maintenance expenses								
Depreciation								
Taxes								
Total expenses, depreciation, and taxes								
Operating income—Gas								
Railway department:								
Operating revenues								
Operating expenses (except maintenance)								
Maintenance expenses								
Depreciation								
Taxes								
Total expenses, depreciation, and taxes								
Operating income—Railway								
(NOTE.—Show here the operating revenues, operating expenses, maintenance, depreciation, taxes and operating income of each other public utility department which the applicant operates.)								

(over)

SEC. 200.42—*Comparative income statement*—Continued

	Year ended Dec. 31					Most recent 12-month period		
	Five most recent years					Before adjustments	Adjustments showing effect of transactions	After adjustments
OPERATING INCOME—continued								
Income from plant leased to others								
Other utility operating income								
Total utility departmental operating income								
Taxes not assignable to departments								
Other operating revenues (describe)								
Other operating expenses (describe)								
Total operating income								
OTHER INCOME								
Income rom merchandising, jobbing, and contract work								
Income from nonutility operations								
Revenues from lease of other physical property								
Dividend revenues								
Interest revenues								
Revenues from sinking and other funds								
Miscellaneous nonoperating revenues								
Nonoperating revenue deductions								
Total other income								
Gross income								
INCOME DEDUCTIONS								
Interest on long-term debt								
Amortization of debt discount and expense								
Amortization of premium on debt—Credit								
Interest on debt to associated companies								
Other interest charges								
Interest charges to construction—Credit								
Miscellaneous amortization								
Miscellaneous income deductions								
Total income deductions								
Net income								
DISPOSITION OF NET INCOME								
Miscellaneous reservations of net income								
Dividends charged to income								
Balance transferred to surplus								

NOTE 1.—Income from merchandising, jobbing, and contract work shall be classified as "other income" or as utility operating income of the proper departments according to the consistent practice of the applicant.

NOTE 2.—Furnish a statement giving an explanation of each amount shown in column for adjustments showing effect of transaction.

SEC. 200.43—*Report of securities issued*

[See Sec. 34.8]

[Original and five copies, plus one for each State affected, to be submitted]

[Name of respondent]

REPORT OF SECURITIES ISSUED

Description of security _____

Description	Amount
1. Face value or principal amount	
2. Plus premium or less discount	
3. Gross proceeds	
4. Underwriter's spread or commission	
5. Securities and Exchange Commission registration fee	
6. State mortgage registration tax	
7. State commission fee	
8. Fee for recording indenture	
9. United States document tax	
10. Printing and engraving expenses	
11. Trustee's charges	
12. Counsel fees	
13. Accountant's fees	
14. Cost of listing	
15. Miscellaneous expenses of issue (describe large items)	
16. Total deductions	
17. Net amount realized	

SEC. 200.50—*Certificate of notification*

[See Sec. 34.24]

[Original and five copies plus one for each State affected to be submitted]

[Name of public utility]

[Address of public utility]

This is to certify that the following are the facts relating to a transaction entered into by the above-named public utility to which the provisions of section 204 (e) of the Federal Power Act are applicable:

(1) Date of transaction.

(2) Description of note or draft including payee and interest rate.

(3) State whether the transaction is an issue or renewal of, or assumption of liability on, a note or draft.

(4) Amount and maturity date of note or draft.

(5) Aggregate amount of above together with all other outstanding notes and drafts of a maturity of 1 year or less on which the public utility is primarily or secondarily liable at the date of the transaction.

(6) Total par value (or, in the case of securities having no par value, the fair market value as of the date of issue) of other securities outstanding at the date of the transaction.

(7) Detail of all other outstanding notes and drafts of a maturity of one year or less on which the public utility is primarily or secondarily liable.

(8) Detail of outstanding securities having par value included in (6) above.

(9) Detail of outstanding securities having no par value included in (6) above.

(10) Full particulars of how fair market value at date of issue of securities having no par value was arrived at.

_____
(Name of public utility)

[CORPORATE SEAL]

_____
(Name and title of person signing)

*Subscribed and sworn to before me this _____ day of _____, 19____.

_____
(Notary public)

SEC. 200.51—*Notice of succession in ownership or operation*

[See Sec. 35.1 to Sec. 35.12]

[An original and five conformed copies to be submitted]

The _____ _____
(Exact name of new owner, receiver, or trustee) (Address)
on this _____ day of _____, 19____, hereby adopts, ratifies, and makes his own, or its own, in every respect all applicable rate schedules, and supplements thereto, listed below, heretofore filed with the Federal Power Commission by _____
(Exact name of predecessor)
effective _____
(Effective date of change in ownership or operation)
_____
(List all Rate Schedule F. P. C. numbers adopted)

_____
(Exact name of successor)
By _____
_____
(Title)

SEC. 200.52—*Certificate of concurrence*

[See Sec. 35.1 to Sec. 35.12]

[An original and five conformed copies to be submitted]

This is to certify that _____ assents to and
(Name of public utility concurring)
concurs in the rate schedule (rate schedule supplement) described below, which the _____ has filed, and hereby files this
(Name of public utility filing rate schedule)
certificate of concurrence in lieu of the filing of the rate schedule (rate schedule supplement) specified.

(Here give exact description of rate schedule or supplement, including F. P. C. number)

_____
(Name of public utility)
By _____
_____
(Title)

Dated _____, 19____.

---

* Only original need be verified.

SEC. 200.53—*Notice of cancellation*

[See Sec. 35.1 to Sec. 35.12]

[An original and five conformed copies to be submitted]

Notice is hereby given that effective the _____ day of _____, 19____, Rate Schedule F. P. C. No. _____, effective date _____ and filed with the Federal Power Commission by _____
(Name of public utility filing rate schedule)
_____ is to be cancelled.

Notice of the proposed cancellation has been served upon the following:

_____
_____
_____

_____
(Name of public utility)
By _____
_____
(Title)

Dated _____, 19____.

SEC. 200.60—*Verification of application*

[See Sec. 45.1 to Sec. 45.8]

State of _____ }
County of _____ } *ss.*

The undersigned, being first duly sworn, states that he is the applicant in the foregoing application (or supplemental application); that he has read said application (or supplemental application) and knows the contents thereof; and that all of the statements contained therein are true and correct to the best of his knowledge and belief.

_____
(Applicant)

Sworn to and subscribed before me, a notary public, in and for said county and State, this _____ day of _____, 19____.

_____
(Notary public)

My commission expires _____.

[SEAL]

INDEX

Sec. No.		Page
	Accounts, Records and Memoranda:	
41.1–8	Adjustment of accounts and reports	65
	Acquisition of securities. (*See*, Sales, etc., of facilities of a public utility.)	
	Admission of—	
1.5	Intervener	1
1.5	Protestant	1
1.52	Affirmative relief	5
	Amendments:	
1.70	To pleadings	5
1.50	Answers	4
	Annual charges:	
11.26	Adjustment of	41
6.5	Continuation after surrender or termination of license	37
11.25	Effective date thereof	41
11.23	Exemption of minor projects	40
11.24	Exemption of States and municipalities	40
11.20	For cost of administration	38
11.22	For use of Government dams, structures and tribal lands	59
11.21	For use of Government lands	39
11.27	Payment of	41
	Appearances:	
1.152	At hearings	11
1.7	Ineligibility to make	2
1.6	Who may make	1
	Applications for—	
5.1	Amendment of License	36
4.84	Amendment of Preliminary Permit	35
34.2	Authorization of Issuance of Securities or Assumption of Liabilities	53
45.1–4	Authority to Hold Interlocking Positions	66
1.101	Continuances	7
1.142	Depositions	10
25.1, 2	Determination Permitting Restoration to Entry	43
1.180–4	Further Hearing	13
9.10	Lease of Project Property	38
	License:	
4.30–33	General provisions	18, 19
4.50	License for Constructed Major Project or Minor Part Thereof	27
4.75	License for Electric Lines (11,000 volts or less) in National Forests	31
4.60	License for Minor Project	28
16.1, –, 3	License for Project Under License Which Expires on Specified Date	41
4.40	License for Proposed Major Project or Minor Part Thereof	19
4.70	License for Transmission Line Only	30
33.2	Merger or Consolidation of facilities of a Public Utility	49
1.180–4	Modification of Order	13
32.1–4	Order Directing Interconnection of facilities	45
32.1–4	Permanent Interconnection for emergency Use	45
4.80	Preliminary Permit	32
33.2	Purchase or Acquisition of Securities of a Public Utility	49

Sec. No.		Page
	License—Continued.	
1.180–4	Rehearing	13
33.2	Sale, etc., of Facilities of a Public Utility	49
6.1	Surrender of License	36
9.1, 2	Transfer of License	37, 38
32.30	Transmission of Electric Energy to Foreign Country	47
25.1, 2	Vacation of Withdrawal	43
	Assumption of liabilities. (*See* Issuance of Securities.)	
	Briefs:	
1.173	Filing of	12
1.171	Form and style	12
1.173	Number of copies	12
1.174	Reply briefs	13
1.173	Service of	12
	Certificate of notification:	
34.20	Necessity for filing	57
34.23	Number of copies, form	58
34.20	Time of filing	57
	Commission records:	
1.200–2	Access to	13, 14
	Complaints:	
1.43	Formal	3
1.41	Informal	3
35.9	On rates	61
1.54	Satisfaction of	5
1.47	Supplemental	1
1.190	Computation of time	13
	Continuances:	
1.101	Application for	7
	Cooperation with State Commission:	
39.1–5	Procedure for	62
	Declaration of intention:	
24.1	Contents and filing of	42
1.5	Default	4
	Definitions:	
1.20	Applicants	2
1.21	Complainants	2
1.23	Defendants	2
1.24	Interveners	2
1.5	Parties	1
1.22	Petitioners	2
1.25	Protestants	2
1.26	Respondents	2
	Depositions:	
1.142	Application for taking	10
1.141	Before whom taken	9
1.143	Form of	10
1.142	Notice of taking	10
1.144	Officer's fees	10
1.142	Service of order for taking	10
1.140	When permissible	9
1.141	When taken in foreign country	9
1.140	Who may make	9
1.144	Witness fees	10

Sec. No.		Page
	Determination of Cost of Constructed Projects, Not Subject to Section 23 (a) of Act:	
4.24	Final statement of	18
4.24	Finding on	18
	Initial statement of:	
4.20	Contents of	17
4.20	Filing of	17
4.23	Filing of protest to report on	18
4.23	Hearing on order if protest thereto filed	18
4.21	Report on	17
4.22	Service of report on	18
	Determination of cost of Project Constructed Under License:	
4.7	Final statement of	16
4.7	Finding on	16
	Initial cost statement:	
4.6	Burden of proof to sustain	16
4.3	Commission's report on	15
4.2	Contents of	15
4.1	Filing of	15
4.5	Protest on commission's report, time for filing of	15
4.4	Service of commission's report	15
	Determination of Fair Value of Constructed Projects, Under Section 23 (a) of Act:	
	Report by commission on valuation:	16
4.14	Hearings on	17
4.13	Protest thereof	17
4.12	Service of	16
4.10	Valuation data, contents of	16
	Determination Permitting Restoration of Entry:	
25.1, 2	Application for	43
32.20–4	Emergency Connection of Facilities	45–47
32.20	Emergency, defined	45
	Evidence:	
1.110	Introduction of Commission's files in	7
1.110	Introduction of documents in	7
1.112	Introduction of other records in	8
	Fees:	
1.144	Of officers at depositions	10
	Of witnesses	9
1.144	Of witnesses at depositions	10
	Formal complaints:	
1.45	Contents of	4
1.43	Form of	3
	Forms:	
200.30	Application for Amendment of License	84
200.20	Application for Approval of Transfer of License	81
200.2	Application for License	75
200.5	Application for License for Transmission Line Only	78
200.10	Application for Preliminary Permit	79
200.40	Balance Sheet	86
206.52	Certificate of Concurrence	92
200.4	Certificate of Exhibits	78
200.50	Certificate of Notification	91
200.3	Certificate of Organization	78
200.1	Certificate of Service	75

Sec. No.		Page
	Forms—Continued.	
200.41	Classification of Utility Plant	86
200.42	Comparative Income Statement	89
200.53	Notice of Cancellation	93
200.51	Notice of Succession in Ownership or Operation	92
200.43	Report of Securities Issued	91
200.60	Verification of Application	93
	Further hearing:	
1.180–4	Application for	13
	Hearings:	
1.171, 2	Briefs, generally	12
1.154	Call for further evidence at	11
1.155	Closing of record at	11
1.151	Notice of	11
1.170	Oral argument at	12
4.83	On application for preliminary permit	35
4.14	On report by commission on determination of fair value of constructed projects under 23 (a).	17
1.150	Ordered by commission	11
1.153	Order of procedure at	11
1.2	Public, provision for holding	1
1.160	Transcript of, not furnished	12
	Initial Cost Statement. (*See* Determination of Cost of Project Constructed Under License.)	
	Interconnection of Facilities:	
32.1–4	Application for order directing, contents of, etc	45
	Interlocking Directors. (*See* Interlocking Positions.)	
	Interlocking Positions:	
	Applications for authorization to hold:	
45.8	Contents of	69
45.7	Forms, etc	69
45.3	Time of filing	67
45.1	Who shall file	66
45.2	Positions requiring authorization to hold	66
45.4	Supplemental applications for authorization to hold	67
45.6	Termination of authorization to hold	68
1.5	Intervener, Admission of	1
1.31	Intervention, Petitions for	3
	Issuance of Securities:	
	Application for authorization of:	
34.2	Contents of	53
34.3	Exhibits required with	55
34.6	Number of copies required	57
34.8	Reports on, after application granted	57
20.1	Under sections 19 and 20 of act	42
1.45	Joinder, of complaints	4
9.10	Lease of Project Property, application for	38
	License:	
5.1–3	Amendment of, application for	36
4.30–3	Application for, general provisions	18, 19
	Surrender of:	
6.1	Application for	36
6.2	Terms of	37
6.4	Termination by implied surrender	57

Sec. No.		Page
	License—Continued.	
6.3	Termination of	35
	Transfer of:	
9.1, 2	Application for	37, 38
9.3	Approval of	38
	License for Constructed Major Project or Minor Part Thereof:	
	Application for:	
4.51	Additional exhibits in	28
4.50	Contents of	27
	License for Electric Lines (11,000 volts or less) in National Forests:	
4.75	Application for	31
	License for Minor Project:	
4.60	Application for, contents of	28
16.1–3	License for Projects Under License Which Expires at Specified Date.	41
	License for Proposed Major Project or Minor Part Thereof:	
	Application for:	
4.40	Contents of	19
4.41	Exhibits required with	20
4.42	Specifications for drawings in	26
	License for Transmission Line Only:	
	Application for:	
4.70	Contents of	30
4.71	Exhibits required with	30
	Merger or Consolidation of Facilities of a Public Utility. (*See* Sale, etc., of Facilities of a Public Utility.)	
1.180–4	Modification of Order, application for	13
1.220	Notice of Compliance, necessity for filing	14
1.170	Oral Argument, at hearing	12
	Parties:	
1.5	Classes of	1
1.5	Defined	1
	Petitions:	
1.51	Answers to	5
1.30	Contents of	2
1.31	For intervention	3
1.30	Form of	2
	Pleadings:	
1.70	Amendment to	5
1.80–5	Specifications as to form	6
	Preliminary Permit:	
4.84	Amendment thereof, application for	35
	Applications for:	
4.80–2	Content of	32–5
4.83	Hearings On	35
4.86	Construction under	36
4.85	Issuance of	35
1.153	Procedure in hearings	11
1.5	Protestant, admission of	1
1.60	Protests, contents of formal	5
	Purchase or Acquisition of Securities of a Public Utility. (*See* Sale, etc., of Facilities of a Public Utility.)	

Sec. No.		Page
	Rate Schedules:	
35.1	Definition of	58
35.2	Effect of	58
35.20	Filing by licensees	61
35.3	Filing of	58
35.11	Form and style of	61
35.4	Identification of	59
35.5	Notice of cancellation, necessity for	60
35.6	Notice of succession, necessity for	60
35.10	Number of copies	61
35.9	Protests and complaints on	61
35.8	Public inspection of	60
1.155	Record, how closed	11
	Records. (*See* Accounts, etc).	
1.180–4	Rehearing, applications for	13
1.53	Reply, time for filing	5
	Sale, etc., of Facilities of a Public Utility:	
	Application for:	
33.2	Contents of	49
33.3	Exhibits required with	51.2
33.6	Number of copies	52
33.9	Public notice of	53
1.54	Satisfaction of Complaints	5
	Service:	
1.90	By commission	6
1.91	By parties	6
1.90–1	Manner of	6
1.6	Standards of Practice	1
39.1–5	State Commissions, procedure for cooperation with	62
1.116	Stipulations	8
	Subpoenas:	
1.132	Service of	9
1.130	Will issue on application	8
1.46	Subscription	4
6.1, 2	Surrender, of license	36, 37
6.3	Termination, of license	37
1.160	Transcript of Testimony, not furnished	12
	Transmission of Electric Energy to Foreign Country:	
	Application for:	
32.32	Contents of	47
32.33	Exhibits required with	48
32.31	Time of filing	47
32.30	Who may make	47
32.35	Authorization for, transferability of	48
32.38	Filing of rate schedules, etc., by those authorized	49
25.1, 2	Vacation of Withdrawal, application for	43
	Valuation Data. (*See* Determination of Fair Value of Constructed Projects, Under Section 23 (a).)	
1.46	Verification	4
	Witnesses:	
1.131	Fees	9
1.144	Fees at deposition	10
1.130	Subpoenas	8

○

MSH 03655

OCT 071994

NEH

D550 Un385

U.S. Federal power commission.
Rules of practice and regulations, effective June 1, 1938.

COLUMBIA UNIVERSITY LIBRARIES
0041404491

COLUMBIA UNIVERSITY LIBRARIES

This book is due on the date indicated below, or at the expiration of a definite period after the date of borrowing, as provided by the rules of the Library or by special arrangement with the Librarian in charge.

DATE BORROWED	DATE DUE	DATE BORROWED	DATE DUE

C28(1141)M100

JUN 23 1946

END OF
TITLE